

NINTH REPORT

(for 1853)

OF THE

PRISON ASSOCIATION

OF

NEW-YORK:

INCLUDING A LIST OF THE

OFFICERS AND MEMBERS.

Made to the Legislature, April, 1854.

ALBANY :

O. VAN BENTHUYSEN, PRINTER.

1854.

1853

State of New-York.

No. 143.

IN ASSEMBLY. APR. 10, 1854.

Ninth Annual Report of the New-York Prison Association.

(For 1853)

NEW-YORK, April 9, 1854

To the HON. the SPEAKER

Of the House of the Assembly of the State of New-York:

SIR—In compliance with the sixth section of the charter of the New-York Prison Association, I herewith transmit the ninth annual report of said Association, and request that you will present the same in behalf of the Association to the Legislature.

I am, very respectfully,

Your obedient servant,

JOHN D. RUSS,

Cor. Sec'y Prison Association.

1853

**OFFICERS OF THE PRISON ASSOCIATION OF NEW-YORK
FOR 1854.**

President.

RENSSELAER N. HAVENS.

Vice-Presidents.

JOHN W. EDMONDS,
JAMES H. TITUS,
ISRAEL RUSSELL,
JOHN H. GRISCOM, M. D.

Treasurer.

WILLIAM C. GILMAN.

Recording Secretary.

FRANK W. BALLARD.

Corresponding Secretary.

JOHN D. RUSS, M. D.

~~~~~  
**EXECUTIVE COMMITTEE.**

*Chairman*—RENSSELAER N. HAVENS.

*Finance Committee.*

|                    |                        |
|--------------------|------------------------|
| JAMES S. GIBBONS,  | ELEAZER FARMLY, M. D., |
| JAMES H. TITUS,    | GEORGE WALKER,         |
| WILLIAM C. GILMAN, | CHARLES PARTRIDGE.     |

*Detention Committee.*

|                     |                    |
|---------------------|--------------------|
| WILLIAM W. DRINKER, | WILLIAM C. RUSSEL, |
| JOHN H. KEYSER,     | GEORGE E. BAKER,   |
| HENRY A. POOR,      | ROBERT McCARTER,   |
| CHAS. A. DAVISON.   |                    |

6

7

*Prison Discipline Committee.*

HON. JOHN W. EDMONDS,           THEODORE L. TELLKAMPE, M.D.,  
 JOHN H. GRISCOM, M.D.,       ISRAEL RUSSELL,  
 PHILIP S. VAN RENSSELAER,   IRA B. DAVIS,  
                                           JOHN COHRANE.

*Discharged Convict Committee.*

RICHARD REED,                   MARCUS MITCHELL,  
 WILLIAM C. ROGERS,           BENJAMIN B. ATTERBURY,  
 ISAAC L. PEET,                 OLIVER H. WELLINGTON,  
 HENRY N. BEERS,               WILLIAM G. WEST.

1853

**HONORARY MEMBERS OF THE PRISON ASSOCIATION.**

OSCAR I. King of Sweden and Norway.  
 Hon. JOHN DUER, New-York.  
 Hon. BENJ. P. BUTLER, New-York.  
 ABRAHAM VAN NEST, Esq., New-York.

**CORRESPONDING MEMBERS.**

A. DE TOCQUEVILLE, }  
 G. DE BEAUMONT,    } Member of the Institution of France.  
 M. CH. LUCAS,        }  
 M. DEMETZ, Membre du Conseil General du Departement du Siene-et-Oise, etc., Paris.  
 M. G. BLOUET, Architect du Gouvernement.  
 J. G. PERRY, Esq., Inspectors of Prisons of Great Britain.  
 COL. JEBB, Surveyor General of Prisons and Director of the Convict Prisons of Great Britain.  
 EDWIN CHADWICK, Esq., London.  
 Dr. VERDELL, Member of the Great Counsel, Vice-President of the Council of Health, at  
                                           Lausanne, Switzerland.  
 Dr. GOSSE, Geneva, Switzerland.  
 JACOB POST, Esq., London.  
 Rev. L. DWIGHT, Secretary of Prison Discipline Society, Boston.  
 FRANCIS LIEBER, Professor of History and Political Philosophy, Columbia, S. C., Cor-  
                                           Memb. of the Institute of France.  
 WM. P. FOULKE, Esq., Philadelphia.  
 M. MOREAU CHRISTOPHE, Chevalier of the Legion of Honor, France.  
 Dr. VARENTRAP, Germany.  
 S. G. HOWE, M. D., Boston.  
 Miss D. L. DIX, Boston, Massachusetts.  
 Mrs. E. W. FARNHAM, California.  
 Prof. NATHAN DAVID, Copenhagen, Denmark.  
 CHARLES SUMNER, Esq., Boston.  
 Prof. I. L. TELLKAMPE, Berlin, Prussia.  
 JOHN HAVILAND, Prison Architect, Philadelphia.  
 GEORGE SUMNER, Esq., Boston.

N. B. The Physician and Warden or Keeper of each Penitentiary are, ex officio, Cor-  
 responding members of the Executive Committee.

### HONORARY LIFE MEMBERS of the EXECUTIVE COMMITTEE

BY PAYMENT OF ONE HUNDRED DOLLARS OR UPWARDS.

*City of New-York.*

- |                      |                    |
|----------------------|--------------------|
| BOORMAN, JAMES       | MINTURN, ROBERT B. |
| BROWN, JAMES         | PARKER, CHARLES    |
| CROSBY, WM. B.       | WALKER, JOSEPH     |
| DELANO, JAS. WARREN, | WOOD, WILLIAM      |
| WOOLSEY, E. J.       |                    |

*Troy, N. Y.*

- |                   |                  |
|-------------------|------------------|
| REV. WM. ANDREWS, | REV. DR. BEEMAN. |
|-------------------|------------------|

*Poughkeepsie, N. Y.*

- |                    |
|--------------------|
| REV. H. G. LUDLOW. |
|--------------------|

*Hudson, N. Y.*

- |                   |
|-------------------|
| REV. MR. DARLING. |
|-------------------|

*Merriden, Conn.*

- |                     |
|---------------------|
| REV. G. W. PERKINS. |
|---------------------|

### LIFE MEMBERS

*Of the Association, by payment of twenty-five dollars and upwards.*

- |                       |                     |
|-----------------------|---------------------|
| Alsop, J. W.,         | Derham, H. C.,      |
| Aspinwall, W. H.,     | Douglass, Wm. H.,   |
| Astor, Wm. B.,        | Duer, John,         |
| Barclay, Anthony,     | Edmonds, J. W.      |
| Bard, John,           | Engs, P. W.,        |
| Barron, Thomas,       | Field, R. H.,       |
| Bartlett, Edwin,      | Field, H. W.,       |
| Beebee, S. J.,        | Fish, Hamilton,     |
| B——, J. Jas.,         | Foster, Jr., James, |
| Belmont, August,      | Freeland, J.,       |
| Bennett, Jas. G.,     | Furniss, W. P.,     |
| Benzon, E. L.,        | Garner, F.,         |
| Blanco, B.,           | Gilson, John,       |
| Brevoort, H.,         | Graham, J. B.,      |
| Brevoort, J. Carson,  | Gregory, D. S.,     |
| Bridge, L. K.,        | Green, J. C.,       |
| Bridge, John,         | Grinnell, Henry,    |
| Bronson, Mrs. Arthur, | Grosvenor, Jasper,  |
| Brooks, Sidney,       | Halstead, Wm. H.,   |
| Broom, S.,            | Hedges, Timothy,    |
| Brown, Stewart,       | Herrick, J. K.,     |
| Brown, Jas ,          | Herring, S. C ,     |
| Bruce, Geo.,          | Horn, Jas.,         |
| Bushnell, O.,         | Howland, G. G.,     |
| Butler, B. F.,        | Howland, S. S.,     |
| Bliss, Ira,           | Howland, Edgar W.   |
| Chauncey, Henry,      | Hunt, Thos ,        |
| Collins, E. K.,       | Hussey, George F.,  |
| Corse, Israel,        | Irwing, Richard,    |
| Curtiss, Cyrus,       | Jay, John,          |
| Daly, Chas. P.,       | Johnson, Alex., S., |

|                         |                             |
|-------------------------|-----------------------------|
| Johnston, John,         | Ray, Robert,                |
| Jones, James J.,        | Rhinelander, Wm. C.,        |
| Jones, Walter, R.,      | Robert C. R.,               |
| ? Kirkland, S.,         | Roosevelt, C. V. S.,        |
| Langdon, Mrs.,          | Ruggles, S. B.,             |
| ? Leeds, Sam'l,         | Russell, Israel,            |
| Lenox, James,           | Sampson, Joseph,            |
| Leyray, Jacob,          | Sands, David,               |
| LeMay, Jacob R.,        | Schermerhorn, Peter,        |
| Leupp, C. M.,           | Selden, Dudley,             |
| Lord, Rufus L.,         | Sherman, Austin,            |
| Lorrillard, Jr., Peter, | Spencer, Wm. A.,            |
| Low, Cornelius,         | Sturges, Jonathan,          |
| Low, Nicholas,          | Styrvent, Gerard,           |
| Mann, A.,               | Talbot, Chas. N.,           |
| ? Mathews, J.,          | Titus, Jas. H.,             |
| McBride, Jas.,          | Townsend, S. P.,            |
| McCoun, Wm. T.,         | Trumble, George,            |
| Morgan, E. D.,          | Van Nest, Abraham,          |
| Murray, Lindley,        | Vannostrand, James,         |
| Morgan, M.,             | Van Rensselaer, P. S.,      |
| Nevins, R. H.,          | Van Rensselaer, P. S., Jr., |
| Newell, Wm.,            | Walker, W.,                 |
| Niblo, William,         | Wards, A.,                  |
| Norrie, A.,             | Wetmore, P. M.,             |
| O'Connor, C.,           | White, Ely,                 |
| Olyphant, D. W. C.,     | Whitney, Wm. E.,            |
| Outout, Wm.,            | Winthrop, B. R.,            |
| Palmer, John J.,        | Wilderming, Wm. E.,         |
| Parmly, E.,             | Wolfe, John D.,             |
| Pell, F.,               | Woolsey, E. J.              |
| Phalon, J.,             |                             |

*Salisbury, Herkimer Co., N. Y.*

Burrell, D.

*Brooklyn, L. I.*

Packer, Wm. S.

*Poughkeepsie, N. Y.*

Vassar, M.

*Waterbury, Conn*

Rev. J. C. Ark.

Rev. Mr. Elliott.

Rev. Mr. Searles.

*Merriden, Conn.*

1853

## SUBSCRIPTIONS

*And Donations from January 1, 1853, to December 31, 1853.*

## JANUARY.

|                             |      |
|-----------------------------|------|
| ✓ Peter Lorrillard,.....    | \$10 |
| ✓ Henry Barclay,.....       | 25   |
| ✓ James L. Stratton,.....   | 3    |
| ✓ M. Monson,.....           | 10   |
| ✓ Edwin Mills,.....         | 1    |
| ✓ Samuel Blackwell,.....    | 5    |
| ✓ Josiah Blackwell,.....    | 5    |
| ✓ Stephen A. Halsey,.....   | 5    |
| ✓ E. J. Woolsey,.....       | 100  |
| ✓ C. H. Marshall,.....      | 5    |
| ✓ C. E. Quincey,.....       | 5    |
| ✓ P. Diago,.....            | 5    |
| ✓ Coolidge and Young,.....  | 5    |
| ✓ O Bushnell,.....          | 5    |
| ✓ Will'm. Douglas,.....     | 50   |
| ✓ Sherman and Collins,..... | 10   |
| ✓ Dio & Co.,.....           | 5    |
| ✓ J. H. Brown & Co.,.....   | 5    |
| ✓ Robert Kelly,.....        | 5    |
| ✓ John N. Wyckoff,.....     | 5    |
| ✓ Wm. H. Harbeck,.....      | 5    |
| ✓ Daniel Mersevole,.....    | 10   |
| ✓ Mrs. H. Rosevelt,.....    | 5    |
| ✓ Edward Bridge,.....       | 5    |
| ✓ Will'm E. Warren,.....    | 3    |
| ✓ R. M. Blackwell,.....     | 5    |
| ✓ G. Dolborgan,.....        | 5    |
| ✓ James Craikshanks,.....   | 3    |
| ✓ Thos. Owen,.....          | 10   |

|                                |     |
|--------------------------------|-----|
| ✓ T. R. Foster, . . . . .      | \$5 |
| ✓ Wm. H. Adams, . . . . .      | 3   |
| ✓ Thos. Jackson, . . . . .     | 5   |
| ✓ Jacob Badger, . . . . .      | 5   |
| ✓ B. D. Forrest, . . . . .     | 5   |
| ✓ J. C. Zimmerman, . . . . .   | 5   |
| ✓ George Palon, . . . . .      | 5   |
| ✓ Harper & Brother, . . . . .  | 5   |
| ✓ Mahlon Day, . . . . .        | 5   |
| ✓ Robert B. Collins, . . . . . | 5   |
| ✓ J. Mortimer, Jr., . . . . .  | 5   |

\$373

Sundry donations in cash, from five donors, in sums of from one to five dollars, . . . . . 11

\$384

*Collections in February.*

|                                        |      |
|----------------------------------------|------|
| ✓ Bouny D. Ivenois & Co., . . . . .    | \$10 |
| ✓ M. Livingston, . . . . .             | 10   |
| ✓ S. Rohnstaman, . . . . .             | 5    |
| ✓ James G. Dale, . . . . .             | 10   |
| ✓ S. L. Buck & Co., . . . . .          | 5    |
| ✓ F. Victor & Achelis, . . . . .       | 5    |
| ✓ J. P. Nesmith, . . . . .             | 5    |
| ✓ H. Honnegan & Co, . . . . .          | 5    |
| ✓ Spies, Christ & Co., . . . . .       | 5    |
| ✓ Theodore Perry, . . . . .            | 5    |
| ✓ Permer, McMillan & Archur, . . . . . | 5    |
| ✓ Sam. McMangum, . . . . .             | 5    |
| ✓ J. S. Littlejohn, . . . . .          | 5    |
| ✓ C. J. Dambman, . . . . .             | 3    |
| ✓ John Slade, . . . . .                | 3    |
| ✓ Will'm Bradford, . . . . .           | 5    |
| ✓ Jeremiah Clark, . . . . .            | 5    |
| ✓ Powell & Co., . . . . .              | 5    |
| ✓ Josiah Lane, . . . . .               | 25   |
| ✓ F. Cottinett & Co., . . . . .        | 20   |

|                                    |      |
|------------------------------------|------|
| ✓ Hendricks & Brothers, . . . . .  | \$10 |
| ✓ F. W. Letucher & Hurd, . . . . . | 5    |
| ✓ Ralph W. Newton, . . . . .       | 5    |
| ✓ David Lane, . . . . .            | 5    |
| — Coddington, . . . . .            | 1    |
| ✓ F. Schuchardt, . . . . .         | 5    |
| ✓ B. F. Seaver, . . . . .          | 3    |
| ✓ G. Brown, . . . . .              | 10   |
| ✓ G. Tremble, . . . . .            | 50   |
| ✓ A. Iselin & Co., . . . . .       | 10   |
| ✓ Ovelricks & Co., . . . . .       | 5    |
| ✓ J. D. Wright, . . . . .          | 10   |
| — Meli, . . . . .                  | 5    |
| ✓ Nelson & Anthony, . . . . .      | 5    |
| ✓ Lohach & Schepeler, . . . . .    | 5    |
| ✓ A. W. Limont, . . . . .          | 5    |
| ✓ L. Norris, . . . . .             | 1    |
| ✓ George G. Haydock, . . . . .     | 10   |
| ✓ E. & R. R. Graves, . . . . .     | 10   |
| ✓ — Moran, . . . . .               | 5    |
| ✓ Oppie & Schuln, . . . . .        | 5    |
| ✓ — Tredwell, . . . . .            | 1    |
| ✓ — Davis, . . . . .               | 2    |
| ✓ E. C. Litchfield, . . . . .      | 10   |
| ✓ Estcher & Bureh, . . . . .       | 5    |
| ✓ Edward Striker, . . . . .        | 5    |
| ✓ Rodewaldt & Bro, . . . . .       | 5    |
| ✓ Otto & Schmid, . . . . .         | 5    |
| ✓ S. R. Dow, . . . . .             | 2    |
| ✓ Long & Davenport, . . . . .      | 5    |
| ✓ S. A. Schieffelin, . . . . .     | 5    |
| ✓ A. H. Ward, . . . . .            | 1    |
| ✓ Edward Kellogg, . . . . .        | 5    |
| ✓ Dutilh & Co., . . . . .          | 5    |
| ✓ Stone & Co., . . . . .           | 25   |
| ✓ Mitchell & Pott, . . . . .       | 10   |
| ✓ T. B. Brown, . . . . .           | 5    |
| ✓ H. C. Deckham, . . . . .         | 5    |

|                                                                                      |     |
|--------------------------------------------------------------------------------------|-----|
| ✓ Wm. Moore, .....                                                                   | \$5 |
| ✓ Born Schleiper Haarhaus, .....                                                     | 5   |
| ✓ Kehls & Youper, .....                                                              | 5   |
| ✓ I. J. Merriam, .....                                                               | 5   |
| ✓ I. Beeker & Gruewe, .....                                                          | 2   |
| ✓ Hubbell & Patton, .....                                                            | 5   |
| ✓ French Consul General, .....                                                       | 5   |
| ✓ M. Webb, .....                                                                     | 2   |
| Sundry donations in cash from fifteen donors, in sums of from \$1 to \$5 each, ..... | 34  |

\$485*Collections in March.*

|                                  |         |
|----------------------------------|---------|
| ✓ Gilbert, Cox & Johnson, .....  | \$25 00 |
| ✓ Whitlock, Nichols & Co., ..... | 10 00   |
| ✓ R. Irving, .....               | 10 00   |
| ✓ Patterson, Adams & Co., .....  | 10 00   |
| ✓ A. Woodruff, .....             | 5 00    |
| ✓ Harper & Co., .....            | 5 00    |
| ✓ — Lowber, .....                | 2 00    |
| ✓ Edward D. Sprague, .....       | 5 00    |
| ✓ Diago, Bro. & Co., .....       | 5 00    |
| ✓ P. C. Van Schaick, .....       | 5 00    |
| ✓ Remington, Miller & Co., ..... | 3 00    |
| ✓ — Cogsville, .....             | 5 00    |
| ✓ Augustus Crane, .....          | 5 00    |
| ✓ Coolidge & Young, .....        | 5 00    |
| ✓ Coolidge & Peck, .....         | 2 00    |
| ✓ Coolidge & Whitlock, .....     | 2 00    |
| ✓ Harmony, Nephews, & Co., ..... | 10 00   |
| ✓ Samuel Barstow, .....          | 1 00    |
| ✓ George Haives, .....           | 6 00    |
| ✓ Bartholomew Blanco, .....      | 25 00   |
| ✓ S. B. Collins, .....           | 5 00    |
| ✓ Henry Delafield, .....         | 10 00   |
| ✓ George B. Pearson, .....       | 3 00    |
| ✓ James Warren, .....            | 5 00    |

|                                                                                 |                 |
|---------------------------------------------------------------------------------|-----------------|
| Edgar, .....                                                                    | 5 00            |
| James Hunter, .....                                                             | 5 00            |
| E. H. Swain, .....                                                              | 1 00            |
| Thomas Prosser, .....                                                           | 3 00            |
| Carey & Co., .....                                                              | 15 00           |
| Israel Corso, .....                                                             | 25 00           |
| Henry Bange, .....                                                              | 5 00            |
| Sundry donations in cash from 11 donors, in sums of from \$1 to \$3 each, ..... | 21 00           |
|                                                                                 | <u>\$249 00</u> |

*Collections in April.*

|                                                                                  |                 |
|----------------------------------------------------------------------------------|-----------------|
| E. Jennings, Jr., .....                                                          | 5 00            |
| Hill, Hyde & Co., .....                                                          | 5 00            |
| Fred. C. Gebhard, .....                                                          | 5 00            |
| Beebe, Moyer & Co., .....                                                        | 5 00            |
| — Lyon, .....                                                                    | 25              |
| F. Peck, .....                                                                   | 3 00            |
| Nelson Wells & Co., .....                                                        | 5 00            |
| Francis B. Cuniffe, .....                                                        | 5 00            |
| — Ingoldsbys, .....                                                              | 5 00            |
| Beebe & Co., .....                                                               | 10 00           |
| — Reynolds, .....                                                                | 1 00            |
| Bramhall, Abernethy & Collins, .....                                             | 5 00            |
| Maviet & Roberts, .....                                                          | 5 00            |
| P. S. Van Rensselaer, Jr., .....                                                 | 25 00           |
| S. G. Bogart, .....                                                              | 5 00            |
|                                                                                  | <u>\$89 25</u>  |
| Sundry donations in cash from 13 donors, in sums of from \$1 to \$25 each, ..... | 41 50           |
|                                                                                  | <u>\$130 75</u> |

*Collections in June.*

|                      |         |
|----------------------|---------|
| A Norrie, .....      | \$25 00 |
| R. H. Nevins, .....  | 25 00   |
| R. H. Winslow, ..... | 10 00   |



|                                         |         |
|-----------------------------------------|---------|
| ✓ Eastman, Sheldon & Townsend, .....    | 5 00    |
| ✓ Loder & Co., .....                    | 5 00    |
|                                         | \$70 00 |
| Donation in cash from one person, ..... | 1 00    |
|                                         | \$71 00 |

*Collections in July.*

|                                |          |
|--------------------------------|----------|
| ✓ Robert Ray, .....            | 20 00    |
| ✓ E. T. Ryder, .....           | 5 00     |
| ✓ Luceby & Co., .....          | 1 00     |
| ✓ Lottimer, Large & Co., ..... | 10 00    |
| ✓ E. H. Shipman, .....         | 5 00     |
| ✓ G. W. Brown, .....           | 5 00     |
| ✓ Moran & Brother, .....       | 10 00    |
| ✓ S. Cambreleng, .....         | 10 00    |
| ✓ J. H. Abeel, .....           | 10 00    |
| ✓ Elder & Painter, .....       | 10 00    |
| ✓ Rev. L. Correll, .....       | 2 00     |
| ✓ William Niblo, .....         | 25 00    |
| ✓ W. A. Butler, .....          | 5 00     |
| ✓ C. H. Rogers, .....          | 5 00     |
| ✓ C. E. Habitch & Co., .....   | 5 00     |
| ✓ Bush & Mankittrick, .....    | 5 00     |
| ✓ Tapscott & Co., .....        | 10 00    |
| ✓ Hermans, Boker & Co., .....  | 5 00     |
| ✓ Clark, Wilson & Co., .....   | 5 00     |
| ✓ Wm. Oothout, .....           | 5 00     |
| ✓ N. Low, .....                | 10 00    |
| ✓ G. G. Lampson, .....         | 5 00     |
| ✓ Doubleday & Beck, .....      | 5 00     |
| ✓ A. B. & D. Sands, .....      | 5 00     |
| ✓ H. Metcalf, .....            | 1 00     |
|                                | \$184 00 |

*August 1st.*

|                              |       |
|------------------------------|-------|
| ✓ Gordon & Talbot, .....     | 10 00 |
| ✓ Auguste Flemming, .....    | 5 00  |
| ✓ Thos. Messenger, .....     | 5 00  |
| ✓ N. D. Cromwell, .....      | 5 00  |
| ✓ E. Beek & Kurchardt, ..... | 5 00  |

|                               |          |
|-------------------------------|----------|
| ✓ Gerrard Hallock, .....      | 5 00     |
| ✓ J. M. Openheim, .....       | 5 00     |
| ✓ Wm. C. Bryant, .....        | 5 00     |
| ✓ Jacob A. Westervelt, .....  | 5 00     |
| ✓ Gov. Horatio Seymour, ..... | 10 00    |
| ✓ B. F. Butler, .....         | 10 00    |
| ✓ A. Barclay, .....           | 5 00     |
| ✓ J. Caswell, .....           | 10 00    |
| ✓ Ball, Black & Co., .....    | 5 00     |
| ✓ R. B. Minturn, .....        | 25 00    |
| ✓ Goodhue & Co., .....        | 25 00    |
| ✓ Samuel Willetts, .....      | 10 00    |
| ✓ Hargous & Brothers, .....   | 10 00    |
| ✓ J. Beveridge, .....         | 5 00     |
| ✓ Greene C. Bronson, .....    | 5 00     |
| ✓ George Walker, .....        | 5 00     |
| ✓ F. Hendricks, .....         | 3 00     |
| ✓ Elisha Riggs, .....         | 5 00     |
|                               | \$183 00 |

*Collections in September.*

|                               |        |
|-------------------------------|--------|
| ✓ — Reynolds, .....           | \$1 00 |
| ✓ John Milhau, .....          | 5 00   |
| ✓ Haight, Halsey & Co., ..... | 5 00   |
| ✓ R. Williams, .....          | 5 00   |
| ✓ H. E. Dibble, .....         | 5 00   |
| ✓ Chas. Partridge, .....      | 10 00  |
| ✓ F. H. Bartholomew, .....    | 5 00   |
| ✓ Mrs. Maitland, .....        | 5 00   |
| ✓ Thos. Barrow, .....         | 10 00  |
| ✓ Mrs. Dudley, .....          | 1 00   |
| ✓ George P. Lord, .....       | 5 00   |
| ✓ — Todd, .....               | 1 00   |
| ✓ — Close, .....              | 1 00   |
| ✓ Boicean & Ruret, .....      | 10 00  |
| ✓ Angustie Jean Renaud, ..... | 5 00   |
| ✓ S. Merr, .....              | 1 00   |

|                        |                |
|------------------------|----------------|
| ✓ Thos. Slocomb,.....  | 5 00           |
| ✓ Samuel Graydon,..... | 5 00           |
| ✓ J. Wood,.....        | 1 00           |
|                        | <u>\$86 00</u> |

|                                                                                               |                |
|-----------------------------------------------------------------------------------------------|----------------|
| Sundry donations in cash, from three donors, in sums of<br>from one to ten dollars each,..... | 12 00          |
|                                                                                               | <u>\$98 00</u> |

*Collections in October.*

|                                 |        |
|---------------------------------|--------|
| ✓ Goodband & Hame,.....         | \$5 00 |
| ✓ Silas C. Herring,.....        | 10 00  |
| ✓ Francis Hall,.....            | 5 00   |
| ✓ A. N. W. Vetchen,.....        | 2 00   |
| ✓ H. Anderson,.....             | 1 00   |
| ✓ F. Church,.....               | 10 00  |
| ✓ Robert Colgate,.....          | 5 00   |
| ✓ John A. Dix,.....             | 5 00   |
| ✓ S. Wood,.....                 | 3 00   |
| ✓ J. G. Bennett,.....           | 10 00  |
| ✓ J. M. Mortimer,.....          | 5 00   |
| ✓ — Bodey,.....                 | 1 00   |
| ✓ — Coreles,.....               | 1 00   |
| ✓ — Burkhalter,.....            | 3 00   |
| ✓ Daniel P. Smyth,.....         | 5 00   |
| ✓ Wm. Everdell, Jr.,.....       | 1 00   |
| ✓ Sam. D. Vandenbergh,.....     | 1 00   |
| ✓ H. E. Droz,.....              | 3 00   |
| ✓ Haskell, Merrick & Bull,..... | 10 00  |
| ✓ Francis Dubois,.....          | 4 00   |
| ✓ Williamson & Goldsmith,.....  | 5 00   |
| ✓ A. Folk,.....                 | 1 00   |
| ✓ A. Barbier,.....              | 1 00   |
| ✓ Jacob Courvoisier & Co.,..... | 5 00   |
| ✓ Ryder—Bookseller,.....        | 1 00   |
| ✓ O. B. Tweedy,.....            | 10 00  |
| ✓ Chas. Burkholter,.....        | 5 00   |
| ✓ F. A. Delano,.....            | 5 00   |

|                             |                 |
|-----------------------------|-----------------|
| ✓ R. V. H. Hibbard,.....    | 1 00            |
| ✓ Bliss, Potter & Co.,..... | 5 00            |
| ✓ D. M. Davival,.....       | 2 00            |
| ✓ S. Goulding,.....         | 1 00            |
|                             | <u>\$132 00</u> |

|                                                                                      |                 |
|--------------------------------------------------------------------------------------|-----------------|
| Sundry donations from seven donors, in sums of from<br>• 25 cents to 5 dollars,..... | 11 25           |
|                                                                                      | <u>\$143 25</u> |

*Collections in November.*

|                               |         |
|-------------------------------|---------|
| ✓ Henry Chauncey,.....        | \$25 00 |
| ✓ W. C. Rhinelander,.....     | 25 00   |
| ✓ James Lenox,.....           | 25 00   |
| ✓ Reiss, Brothers & Co.,..... | 10 00   |
| ✓ Allen, Hazen & Co.,.....    | 10 00   |
| ✓ R. Palaocea,.....           | 5 00    |
| ✓ J. Goddard,.....            | 2 00    |
| ✓ — Rovevald,.....            | 1 00    |
| ✓ Chas. N. Talbot,.....       | 20 00   |
| ✓ A. H. W. Ward,.....         | 10 00   |
| ✓ Horatio Allen,.....         | 5 00    |
| ✓ Bradish Johnson,.....       | 5 00    |
| ✓ Paton & Stewart,.....       | 5 00    |
| ✓ Robert Dillon,.....         | 10 00   |
| ✓ William Walker,.....        | 10 00   |
| ✓ A. N. Jocelyn,.....         | 1 00    |
| ✓ W. N. Hunt,.....            | 50      |
| ✓ W. P. Furniss,.....         | 5 00    |
| ✓ J. Sturges,.....            | 25 00   |
| ✓ Walter R. Jones,.....       | 10 00   |
| ✓ Born, Schleiper & Co.,..... | 5 00    |
| ✓ Wm. Von Leth,.....          | 5 00    |
| ✓ Joshua Walker,.....         | 10 00   |
| ✓ Doubleday and Beek,.....    | 5 00    |

\$234 50

*Collections in December.*

|                                                                                        |          |
|----------------------------------------------------------------------------------------|----------|
| ✓ Naylor & Co.,.....                                                                   | \$25 00  |
| ✓ Joseph Oakes,.....                                                                   | 3 00     |
| ✓ Chas. Lagory,.....                                                                   | 5 00     |
| ✓ Koop, Fishcher & Co.,.....                                                           | 5 00     |
| ✓ D. H. Nevins,.....                                                                   | 15 00    |
| ✓ F. Hoose,.....                                                                       | 3 00     |
| ✓ J. G. Palmer,.....                                                                   | 25 00    |
| ✓ S. Knapp,.....                                                                       | 10 00    |
| ✓ Stamford, Mann & Co.,.....                                                           | 10 00    |
| ✓ A. A. Low,.....                                                                      | 15 00    |
| ✓ J. F. Sheafe,.....                                                                   | 20 00    |
| ✓ Wm. H. Aspinwall.....                                                                | 25 00    |
| ✓ Olyphants Sons,.....                                                                 | 10 00    |
|                                                                                        | <hr/>    |
|                                                                                        | \$171 00 |
| Sundry donations in cash from 6 donors, in sums of from<br>ten to twenty dollars,..... | 80 00    |
|                                                                                        | <hr/>    |
|                                                                                        | \$251 00 |
|                                                                                        | <hr/>    |

## NINTH ANNUAL REPORT

Of the Executive Committee of the Prison Association of  
New-York.

The Executive Committee of the Prison Association respectfully present to the Legislature a summary of their doings and investigations for the year 1853.

Debarred for four years by the opposition of the Prison Inspectors, from the exercise of their rights and duties in the independent examination of the State Prisons, some of the gentlemen formerly devoted to the work contemplated by our organization have withdrawn from the Association, preferring other fields of philanthropic labor, where their time and energies would not be wasted in fruitless litigation and contest with those who should be aids and advocates.

This diminution in the number of our active associates, and the uncertainty of our relations to the constituted prison authorities, have combined greatly to reduce the efficiency and usefulness of the Association. Forgetting, however, the past, except as profit may be derived from its unfortunate experiences, the committee enter upon another year, resolved to do with their might what their hands find to do, for the rescue of the fallen and friendless, and their restoration to themselves and to society.

By the present arrangements of the Association, it is believed that very few cases of arrest on the charge of crime will hereafter occur in the city, properly demanding our notice, which will not be reached by the committee, either personally or through the agent.

The committee are not governed by any mawkish sentimentality in their dealings with prisoners of any grade. They mean

never to interfere with the proper administration of justice, nor to interpose obstacles to the due execution of the laws. But many innocent persons are arrested on suspicion, and sometimes, too, through the false swearing or mistaken testimony of malicious or deceived witnesses, are condemned to punishment; not unfrequently foreigners, ignorant even of the language, without friends or means, are found in our houses of detention, in a state, as may well be conceived, bordering on despair; children, too, detected in petty pilfering—their first essays, it may be, in the lessons taught them by criminal adepts—are thrown into the common receptacle of the city's felons. These, and other cases, of like claims on a wise benevolence, demand and receive our attention.

The committee have steadily aimed to point out the abuses which seem to have become incorporated in this part of our penal system. We have heretofore so enlarged on these matters, that we now deem it surplusage to do more than remind the Legislature of the mass of important testimony to be found in our previous reports, but which seems never to have awakened attention or provoked inquiry.

We invite attention to the following sections of the law "for the better regulation of the county and State prisons, &c.," Revised Statutes, 3d ed., pp. 785 and 786.

§ 17. It shall be the duty of the Inspectors of the State Prisons to visit and inspect, either separately or collectively, at least once in each year, all the jails or other county prisons, penitentiaries and houses of detention in this State.

§ 18. For the purpose of carrying into effect the provisions of the preceding section, they shall as soon as practicable, after entering upon their official duties, designate and set apart to each of their number the counties to be so visited by them respectively, during the current year, for the purpose of such inspection, and shall at the same time adopt such plan and regulation, not inconsistent with the laws of this State, as they shall deem expedient and necessary to carry into effect a uniform system for the government and regulation of all the county prisons in this State, and

for the modification and improvement of the structure of such jails and prisons, with a view to such uniformity.

§ 21. Such Inspector or Inspectors, after a careful and thorough examination and inspection of each jail and prison, shall immediately make a detailed report of the same, stating the condition of the same at the time of such inspection, the number of persons confined therein for the year ending at the date of such report, the causes of such confinement, the manner in which convicts confined in such jail or prison during that period have been employed, the number of persons usually confined together in one room, the distinction, if any, usually observed in the treatment of persons therein confined, the evils and abuses, if any, found to exist in the prison, and particularly whether any of the rules and regulations prescribed by said Board of Inspectors, or the provisions contained in title 1st of this act, have been violated, so far as the information required in this section can be obtained from the records of said jail or prison, or otherwise.

§ 22. It shall be the duty of such Inspector or Inspectors to note and include in such report, or append thereto, any defect or defects he may deem to exist in the structure or arrangements of said jail or prison, and to suggest such improvements in the same as he may deem to be necessary to carry into successful operation, and to ensure uniformity in the system by them adopted; and he or they shall then immediately leave with the county judge of such county a duplicate copy of such report and suggestions, whose duty it shall be to file the same with the clerk of said county, and cause a copy thereof, if he shall approve the same, or any part thereof, with such approval endorsed thereon, to be delivered to the clerk of the Board of Supervisors of said county.

§ 24. It shall be the duty of the Board of Inspectors, annually, on or before the 15th day of January in each year, to make an abstract report of their inspections of such county jails or prisons to the Legislature, in which report shall be included, in tabular form, a summary of the record required by the fifteenth section of this act, to be kept by the keepers of such county jails and prisons.

It will be seen that the duty of the State Prison Inspectors as to the yearly visitation and inspection of all the jails or other county prisons in the State, and of reporting thereon to the Legislature, is very clearly defined and required.

The reports of the Inspectors, however, for several years, contain not one return relative to the county prisons and penitentiaries. It is greatly to be regretted that this duty has been overlooked, as the county prison, in numberless instances, is but the primary department, where the novice in crime is prepared for the higher range of studies in the State prisons, where he at length graduates fully fitted for a career of scientific wrong-doing.

It is doubtless with a wise reference to this contingency that the law provides, that keepers of county prisons shall "keep the prisoners committed to their charge, as far as may be practicable, separate and distinct from each other, and shall prevent all conversation between them." There should be no exception to this practicability; it should be, in all cases, peremptorily required.

Must the State, by its own agencies, be the means of completing the deprivation of those who, through neglect, temptations or evil associations, have once become obnoxious to its penal laws? Yet the inevitable result of the jail associations to which the young culprit is introduced, is to widen his sphere of criminal knowledge, to blunt the penitential feelings which are naturally awakened on the first detection in crime, and to arouse the reckless vengeance which impels the old convict to desperate wickedness.

We can now but emphatically repeat our former protests against a longer continuance of the vicious jail system of our State. However theorists may differ as to the best method of dealing with convicted criminals, on this point all writers on penal legislation agree that, before trial the separation of the accused from all possible association with others similarly situated, should be absolute and perfect. It is due to the prisoner himself; for if proved innocent on trial, he should not be sent out into the world subject at any moment to be mortified and injured by the malicious recognition of the old offender, who may have seen him in

Pract. Justice - Annual - A. C. C. C.

the sad hour of his detention; nor again, should he be, especially if young, or by reason of mental weakness, or neglected moral training, liable to be drawn away from the path of duty, exposed to the seductive arts of the practiced and hardened villain; and even if guilty, surely a world of sinners ought at least to give him an opportunity for undisturbed reflection and repentance. Society owes this likewise to itself; for here, if anywhere, the criminal may be saved. The seed of evil should be destroyed whilst it is young and vigorous; nay, the poisonous blossoms should not be suffered to drop its seed. It is not an exotic, or of forced culture; it does not require care or attention to develop and propagate it. Simple neglect will do the work effectually; leave it to itself, and like the thistle down, it will take root on the highways as well as the by-ways, on the most sterile soil and the richest virgin lands.

We do, then, most urgently ask the Legislature to institute a rigid inquiry into the condition of every house of detention in the State, and to revise the laws for their government, so that they may no longer be mere feeders for our State prisons.

We submit a comparative table of arrests for crimes against property in the city of New-York, for the years 1851, '2, '3. It is gratifying to observe that whilst the increase of 1852 on 1851, was about six per cent., the decrease of 1853 on 1852, was about four per cent., and this too with a rapidly increasing population. This decrease, we think, must be attributed to a number of co-operating causes. During the last year, our police system has, in some respects, assumed a more systematic and effective character. Not less beneficial is the establishment of the Board of Commissioners, before whom all delinquents in the department are promptly summoned for examination and punishment. Nor, in this connection, should we fail to notice the very strenuous exertions that have been put forth during the year by various benevolent associations to save the hitherto neglected children of the city.

This table is compiled from the returns of the chief of police.

1853

J. C. C. C.

## COMPARATIVE TABLE.

Crimes against Property in New-York City.

| YEARS.    | Arson. | Attempts to steal. | Attempts at Burglary. | Burglary. | Constructive larceny. | Embezzlement. | Forgery. | Fraud. | Gambling. | Grand larceny. | Obtaining goods under false pretences. | Petit larceny. | Pick-pockets. | Posting counterfeit money. | Robbing—at daggers. | Receiving stolen goods. | Totals. |
|-----------|--------|--------------------|-----------------------|-----------|-----------------------|---------------|----------|--------|-----------|----------------|----------------------------------------|----------------|---------------|----------------------------|---------------------|-------------------------|---------|
| 1851, ... | 131    | 118                | 126                   | 200       | 19,37                 | 44            | 35       | 38     | 67        | 709            | 96                                     | 3,335          | 67            | 138                        | 60                  | 50                      | 5,135   |
| 1852, ... | 22     | 319                | 55                    | 146       | 3,35                  | 39            | 29       | 47     | 156       | 742            | 145                                    | 3,293          | 135           | 147                        | 83                  | 67                      | 5,467   |
| 1853, ... | 2      | 258                | 33                    | 211       | 13,29                 | 13            | 37       | 103    | 77        | 690            | 45                                     | 5,216          | 261           | 130                        | 96                  | 75                      | 5,262   |

The arrests for offences of all descriptions in the city of New-York, in the year 1851, were,..... 36,224  
do 1852, were,..... 36,258  
do 1853, were,..... 39,786

The arrests in the same years for the misdemeanors generally arising from intemperance, were as follows:

|                            | 1851.         | 1852.         | 1853.         |
|----------------------------|---------------|---------------|---------------|
| Assault and battery, ..... | 4,877         | 4,984         | 3,127         |
| Disorderly conduct, .....  | 4,912         | 4,592         | 4,979         |
| Intoxication, .....        | 7,658         | 8,754         | 10,850        |
| do and disord.cond., ..... | 5,858         | 5,972         | 7,197         |
| Vagrancy, .....            | 3,462         | 3,014         | 3,342         |
|                            | <u>26,767</u> | <u>27,316</u> | <u>29,495</u> |

As a suggestive appendix to these facts, it may be noted that on the 31st Dec., 1853, spirituous liquors were sold

|                           |              |
|---------------------------|--------------|
| In licensed shops,.....   | 6,831        |
| In unlicensed shops,..... | 244          |
| Total,.....               | <u>7,055</u> |

and that of these, 5,333 were kept open on Sunday.

A commendable, and to some extent a successful effort, has been made since January 1, 1854, in some of the wards, to enforce the ordinance against the traffic on Sunday.

The following tables from the Report for the year 1853, of the Warden of the City Prison to the Governors of the Alms House Department, also contain matter for serious thought by the legislator and the philanthropist. Intemperance and ignorance would seem to be the proximate causes of the principal part of the commitments.

TABLE A.

| First District Prison.                                                       | White Males. | White Females. | Black Males. | Black Females. | Total. |
|------------------------------------------------------------------------------|--------------|----------------|--------------|----------------|--------|
| Remaining in prison, Jan. 1st, ..                                            | 149          | 56             | 15           | 5              | 288    |
| Received during the year, .....                                              | 12,522       | 6,937          | 618          | 370            | 20,447 |
|                                                                              | 12,671       | 6,996          | 633          | 375            | 20,675 |
| Discharged, .....                                                            | 10,475       | 5,084          | 515          | 263            | 16,337 |
| Eloped, .....                                                                | 1            | .....          | .....        | .....          | 1      |
| Deceased, .....                                                              | 20           | 4              | 2            | .....          | 26     |
| Executed, .....                                                              | 4            | .....          | .....        | .....          | 4      |
| Sent to Blackwell's Island, .....                                            | 1,826        | 1,338          | 90           | 101            | 3,855  |
| do State Prison, .....                                                       | 216          | 22             | 17           | 6              | 261    |
| Remaining in prison, Dec. 31st, ..                                           | 129          | 48             | 9            | 5              | 191    |
|                                                                              | 12,671       | 6,996          | 633          | 375            | 20,675 |
| In addition to the number received at the First District Prison, viz., ..... | 12,522       | 6,937          | 618          | 370            | 20,447 |
| There were also discharged from the Second District prison, .....            | 3,432        | 1,313          | 112          | 52             | 4,909  |
| Third District prison, .....                                                 | 2,393        | 636            | 88           | 58             | 3,175  |
| Making the total number of commitments during the year, .....                | 18,347       | 8,886          | 818          | 480            | 28,531 |

TABLE B.

|                                                         | Males. | Females. | Total. |
|---------------------------------------------------------|--------|----------|--------|
| No. received who were natives, .....                    | 4,427  | 1,875    | 6,302  |
| do foreigners, .....                                    | 14,738 | 7,491    | 22,229 |
|                                                         | 19,165 | 9,366    | 28,531 |
| do married, .....                                       | 7,576  | 4,013    | 11,589 |
| do single, .....                                        | 10,969 | 4,466    | 15,435 |
| do widowed, .....                                       | 382    | 718      | 1,100  |
| No. received whose social relations were unknown, ..... | 238    | 169      | 407    |
|                                                         | 19,165 | 9,366    | 28,531 |
| do who were of temperate habits, .....                  | 3,637  | 762      | 4,399  |
| do intemperate habits, .....                            | 15,528 | 8,604    | 24,132 |
|                                                         | 19,165 | 9,366    | 28,531 |
| do who could not read, .....                            | 5,561  | 3,570    | 9,131  |
| do who could read, only, .....                          | 1,808  | 3,124    | 4,932  |
| do who could read and write, .....                      | 9,058  | 2,369    | 11,427 |
| do who were well educated, .....                        | 2,538  | 118      | 2,656  |
| do who were classically educated, .....                 | 11     | .....    | 11     |
| do whose education was unkn'wn                          | 189    | 186      | 374    |
|                                                         | 19,165 | 9,366    | 28,531 |

Those designated as "unknown" were insane, unable to speak English, or refused to answer.





TABLE C.—(CONTINUED.)

| For what offence committed.               | Under 10 years of age. |          | Between 10 and 15. |          | Between 15 and 20. |          | Between 20 and 30. |          | Between 30 and 40. |          | Between 40 and 50. |          |
|-------------------------------------------|------------------------|----------|--------------------|----------|--------------------|----------|--------------------|----------|--------------------|----------|--------------------|----------|
|                                           | Males.                 | Females. | Males.             | Females. | Males.             | Females. | Males.             | Females. | Males.             | Females. | Males.             | Females. |
| Mayhem, .....                             |                        |          |                    |          |                    |          | 5                  |          |                    |          |                    |          |
| Misdemeanors, .....                       |                        |          | 1                  | 2        | 2                  | 2        | 2                  | 1        | 9                  | 2        | 5                  |          |
| Murder, .....                             |                        |          |                    | 3        | 3                  | 1        | 15                 | 1        | 9                  | 3        | 4                  |          |
| Murder on the high seas, .....            |                        |          |                    |          |                    |          |                    |          |                    |          |                    |          |
| Mutiny, .....                             |                        |          |                    |          |                    |          | 3                  |          |                    |          |                    |          |
| Obtaining goods by false pretences, ..... |                        |          |                    | 5        |                    |          | 18                 |          |                    | 17       | 2                  | 8        |
| Opening letters, .....                    |                        |          |                    |          |                    |          |                    | 1        |                    |          |                    |          |
| Perjury, .....                            |                        |          |                    |          |                    |          |                    | 1        |                    |          |                    | 2        |
| Petit larceny, .....                      | 7                      |          | 242                | 19       | 617                | 26       | 820                | 69       | 411                | 206      | 172                | 104      |
| Pickpockets, .....                        |                        |          |                    |          | 15                 |          | 3                  |          |                    | 6        |                    |          |
| Poisoning chickens, .....                 |                        |          |                    |          |                    |          | 1                  |          |                    |          |                    |          |
| Rape, .....                               |                        |          |                    | 4        |                    |          | 7                  |          | 6                  |          | 3                  |          |
| Receiving stolen goods, .....             |                        |          |                    | 1        |                    |          | 11                 |          | 9                  | 1        | 4                  |          |
| Resisting police officers, .....          |                        |          |                    |          |                    |          | 3                  |          |                    |          |                    |          |
| Resisting United States officers, .....   |                        |          |                    |          |                    |          |                    |          |                    |          |                    |          |
| Revolt, .....                             |                        |          |                    |          |                    |          |                    | 1        |                    |          |                    |          |
| Riot, .....                               |                        |          |                    | 15       |                    |          | 25                 |          | 10                 |          | 1                  |          |
| Robbery, .....                            |                        |          | 3                  | 17       | 3                  |          | 35                 | 1        | 8                  |          | 2                  |          |
| Seduction, .....                          |                        |          |                    |          |                    |          |                    | 8        |                    |          |                    |          |

Selling obscene books and prints, .....
  |  |  | 8 |  |  | 1 |  |  |  |  |  || Selling diseased meat, ..... |  |  |  | 1 |  |  |  |  |  |  |  |  |
| Setting fire to his wife, ..... |  |  |  |  |  |  |  |  |  |  |  |  |
| Sodomy, ..... |  |  |  | 1 |  |  | 2 |  |  |  |  |  |
| Soliciting emigrant passengers, ..... |  |  |  |  |  |  |  |  |  |  |  |  |
| Unlawful weapons, ..... |  |  |  |  |  |  |  |  |  |  |  |  |
| Vagrancy, ..... | 109 | 181 | 69 | 84 | 255 | 422 | 318 | 944 | 190 | 791 | 167 | 162 |
| Violation corporation ordinances, ..... | 1 |  | 7 | 22 |  |  | 38 | 8 | 29 | 4 | 5 | 2 |
| Violation liquor law, ..... |  |  |  |  |  |  |  |  |  |  |  |  |
| Violation lottery laws, ..... |  |  |  |  |  |  |  |  |  |  |  |  |
| Violation other laws, ..... |  |  |  |  |  |  | 2 |  |  |  |  |  |
| Without offence being specified, ..... |  |  | 5 | 2 | 15 | 4 | 49 | 91 | 31 | 26 | 27 | 6 |
| Witnesses, ..... |  |  |  |  | 15 | 5 | 25 | 21 | 17 | 10 | 7 | 2 |

Total of each age, .....

196 181 444 123 1,899 567 4,210 2,270 3,557 2,528 1,968 1,097

TABLE C.—(CONTINUED.)

| For what offense committed.       | Between 50 and 60 |    |          |   | Between 60 and 70 |  |          |  | Over 70 years of age. |  |          |  | Total for each of these. |     |       |
|-----------------------------------|-------------------|----|----------|---|-------------------|--|----------|--|-----------------------|--|----------|--|--------------------------|-----|-------|
|                                   | Males.            |    | Females. |   | Males.            |  | Females. |  | Males.                |  | Females. |  |                          |     |       |
|                                   |                   |    |          |   |                   |  |          |  |                       |  |          |  |                          |     |       |
| Abandonment, .....                |                   |    |          |   |                   |  |          |  |                       |  |          |  | 59                       | 2   | 61    |
| Arson, .....                      |                   |    | 5        |   |                   |  |          |  |                       |  |          |  | 10                       | 1   | 11    |
| Abduction, .....                  |                   |    |          |   |                   |  |          |  |                       |  |          |  | 2                        |     | 2     |
| Accessory to a felony, .....      |                   |    |          |   |                   |  |          |  |                       |  |          |  | 6                        |     | 6     |
| Assault, .....                    |                   |    | 2        |   |                   |  |          |  |                       |  |          |  | 86                       | 3   | 89    |
| Assault on the high seas, .....   |                   |    |          |   |                   |  |          |  |                       |  |          |  | 2                        |     | 2     |
| Assault with slung shot, .....    |                   | 1  |          |   |                   |  |          |  |                       |  |          |  | 10                       |     | 10    |
| Assault and battery, .....        |                   | 71 | 31       | 4 | 3                 |  |          |  |                       |  |          |  | 1,920                    | 239 | 2,159 |
| Attempt to commit burglary, ..... |                   |    |          |   |                   |  |          |  |                       |  |          |  | 2                        |     | 2     |
| do do grand larceny, .....        |                   |    |          |   |                   |  |          |  |                       |  |          |  | 2                        |     | 2     |
| do do larceny, .....              |                   |    |          |   |                   |  |          |  |                       |  |          |  | 7                        |     | 7     |
| do do petit larceny, .....        |                   |    |          |   |                   |  |          |  |                       |  |          |  | 2                        | 1   | 3     |
| do do rape, .....                 |                   |    |          |   |                   |  |          |  |                       |  |          |  | 6                        |     | 6     |
| do do robbery, .....              |                   |    |          |   |                   |  |          |  |                       |  |          |  | 1                        |     | 1     |
| do do suicide, .....              |                   |    |          |   |                   |  |          |  |                       |  |          |  | 4                        |     | 4     |
| Attempt to kill, .....            |                   | 1  |          |   |                   |  |          |  |                       |  |          |  | 91                       | 3   | 94    |
| Bigamy, .....                     |                   |    |          |   |                   |  |          |  |                       |  |          |  | 23                       |     | 23    |
| Burglary, .....                   | 2                 |    |          |   |                   |  |          |  |                       |  |          |  | 1                        |     | 104   |

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[ASSEMBLY

| For what offense committed.        | Between 50 and 60 |     |          |    | Between 60 and 70 |   |          |  | Over 70 years of age. |  |          |  | Total for each of these. |       |       |
|------------------------------------|-------------------|-----|----------|----|-------------------|---|----------|--|-----------------------|--|----------|--|--------------------------|-------|-------|
|                                    | Males.            |     | Females. |    | Males.            |   | Females. |  | Males.                |  | Females. |  |                          |       |       |
|                                    |                   |     |          |    |                   |   |          |  |                       |  |          |  |                          |       |       |
| Conspiracy, .....                  |                   |     |          |    |                   |   |          |  |                       |  |          |  | 2                        |       | 2     |
| Contempt of court, .....           |                   | 1   |          |    |                   |   |          |  |                       |  |          |  | 1                        |       | 1     |
| Counterfeiting coin, .....         |                   |     |          |    |                   |   |          |  |                       |  |          |  | 4                        |       | 4     |
| Desertion, .....                   |                   |     |          |    |                   |   |          |  |                       |  |          |  | 26                       |       | 26    |
| Disobedient apprentices, .....     |                   |     |          |    |                   |   |          |  |                       |  |          |  | 37                       |       | 37    |
| Disorderly conduct, .....          | 14                | 18  | 4        | 11 |                   |   |          |  |                       |  |          |  | 928                      | 277   | 1,205 |
| Dock thieves, .....                |                   |     |          |    |                   |   |          |  |                       |  |          |  | 8                        |       | 8     |
| Embezzlement, .....                |                   |     |          |    |                   |   |          |  |                       |  |          |  | 14                       | 1     | 15    |
| Escaped convicts, .....            | 1                 |     |          |    |                   |   |          |  |                       |  |          |  | 24                       | 3     | 27    |
| Felony, .....                      | 2                 |     |          |    |                   |   |          |  |                       |  |          |  | 9                        | 1     | 19    |
| Forgery, .....                     |                   |     |          |    |                   |   |          |  |                       |  |          |  | 49                       | 4     | 53    |
| Fraud, .....                       | 1                 |     |          |    |                   |   |          |  |                       |  |          |  | 32                       | 1     | 33    |
| Fugitives from justice, .....      |                   |     |          |    |                   |   |          |  |                       |  |          |  | 16                       | 1     | 17    |
| Furious driving, .....             |                   |     |          |    |                   |   |          |  |                       |  |          |  | 18                       |       | 18    |
| Gambling, .....                    |                   |     |          |    |                   |   |          |  |                       |  |          |  | 2                        |       | 2     |
| Grand larceny, .....               | 23                |     |          |    |                   |   |          |  |                       |  |          |  | 459                      | 133   | 592   |
| Illegal voting, .....              |                   |     |          |    |                   |   |          |  |                       |  |          |  | 3                        |       | 3     |
| Indecent exposure of person, ..... |                   |     |          |    |                   |   |          |  |                       |  |          |  | 6                        |       | 6     |
| Insanity, .....                    | 10                | 20  | 4        | 4  |                   |   |          |  |                       |  |          |  | 315                      | 208   | 523   |
| Intoxication, .....                | 344               | 216 | 109      | 82 | 6                 | 1 |          |  |                       |  |          |  | 4,996                    | 3,089 | 7,385 |
| Keeping disorderly house, .....    |                   |     |          |    |                   |   |          |  |                       |  |          |  | 28                       | 6     | 34    |
| Larceny, .....                     |                   |     |          | 2  |                   |   |          |  |                       |  |          |  | 91                       | 41    | 132   |
| do do on the high seas, .....      |                   |     |          |    |                   |   |          |  |                       |  |          |  | 2                        |       | 2     |
| Libel, .....                       |                   |     |          |    |                   |   |          |  |                       |  |          |  | 8                        |       | 8     |
| Malicious mischief, .....          | 1                 | 1   |          |    |                   |   |          |  |                       |  |          |  | 19                       | 6     | 25    |
| do trespass, .....                 |                   |     |          |    |                   |   |          |  |                       |  |          |  | 1                        |       | 1     |
| Manslaughter, .....                |                   |     |          |    |                   |   |          |  |                       |  |          |  | 7                        |       | 7     |

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TABLE C.—(CONTINUED.)

| For what offense committed.               | Between 50 and 60. |          | Between 60 and 70. |          | Over 70 years of age. |          | Total Males. | Total Females. | Total for each of— |
|-------------------------------------------|--------------------|----------|--------------------|----------|-----------------------|----------|--------------|----------------|--------------------|
|                                           | Males.             | Females. | Males.             | Females. | Males.                | Females. |              |                |                    |
| Mayhem, .....                             |                    |          |                    |          |                       |          | 5            | 5              | 5                  |
| Misdemeanors, .....                       |                    |          |                    |          |                       |          | 23           | 8              | 26                 |
| Murder, .....                             |                    |          | 3                  |          | 1                     |          | 35           | 4              | 39                 |
| do on the high seas, .....                |                    |          |                    |          |                       |          | 1            |                | 1                  |
| Mutiny, .....                             |                    |          |                    |          |                       |          | 8            |                | 3                  |
| Obtaining goods by false pretences, ..... | 2                  |          |                    |          |                       |          | 50           | 2              | 52                 |
| Opening letters, .....                    |                    |          |                    |          |                       |          | 1            |                | 1                  |
| Perjury, .....                            |                    |          |                    |          |                       |          | 3            |                | 5                  |
| Pick-pockets, .....                       | 90                 | 38       | 17                 | 4        |                       |          | 2,376        | 468            | 2,844              |
| Poisoning chickens, .....                 |                    |          |                    |          |                       |          | 24           |                | 24                 |
| Rape, .....                               |                    |          |                    |          |                       |          | 1            |                | 1                  |
| Receiving stolen goods, .....             | 1                  |          | 1                  |          |                       |          | 20           |                | 20                 |
| Resisting police officers, .....          |                    |          |                    |          |                       |          | 27           | 1              | 28                 |
| do U. S. officers, .....                  |                    |          |                    |          |                       |          | 2            |                | 1                  |
| Revolt, .....                             |                    |          |                    |          |                       |          | 8            |                | 3                  |
| Riot, .....                               | 1                  |          |                    |          |                       |          | 1            |                | 1                  |
| Robbery, .....                            |                    |          |                    |          |                       |          | 52           |                | 52                 |
| Seduction, .....                          |                    |          |                    |          |                       |          | 65           | 4              | 69                 |
|                                           |                    |          |                    |          |                       |          | 4            |                | 4                  |

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|                                         |     |     |     |     |    |         |         |       |       |   |
|-----------------------------------------|-----|-----|-----|-----|----|---------|---------|-------|-------|---|
| Selling obscene books and prints, ..... |     |     |     |     |    |         |         |       |       | 9 |
| Selling diseased meat, .....            |     |     |     |     |    |         |         |       |       | 1 |
| Setting fire to his wife, .....         |     |     |     |     |    |         |         |       |       | 1 |
| Sodomy, .....                           |     |     |     |     |    |         |         |       |       | 9 |
| Soliciting emigrant passengers, .....   |     |     |     |     |    |         |         |       |       | 3 |
| Unlawful weapons, .....                 |     |     |     |     |    |         |         |       |       | 1 |
| Vagrancy, .....                         | 104 | 59  | 40  | 40  | 20 | 6       | 1,278   | 2,689 | 3,967 |   |
| Violation corporation ordinances, ..... | 8   | 1   | 1   |     |    |         | 111     | 10    | 121   |   |
| do liquor laws, .....                   |     |     |     |     |    |         | 17      |       | 17    |   |
| do lottery laws, .....                  |     |     |     |     |    |         | 3       |       | 3     |   |
| Without offence being specified, .....  |     |     |     |     |    |         | 122     | 61    | 183   |   |
| Witnesses, .....                        | 2   | 2   | 1   |     |    |         | 72      | 38    | 110   |   |
| Total of each age, .....                | 679 | 388 | 202 | 144 | 35 | 913,140 | 7,30720 | 447   |       |   |

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TABLE D.

| OFFENCES.                           | SECOND DISTRICT PRISON. |          |        | THIRD DISTRICT PRISON. |          |        |
|-------------------------------------|-------------------------|----------|--------|------------------------|----------|--------|
|                                     | Males.                  | Females. | Total. | Males.                 | Females. | Total. |
| Abandonment, .....                  | 39                      | ...      | 39     | 26                     | ...      | 26     |
| Arson, .....                        | 4                       | ...      | 4      | 5                      | 1        | 6      |
| Assault and battery, .....          | 202                     | 39       | 241    | 323                    | 92       | 415    |
| Attempt to commit larceny, .....    | ...                     | ...      | ...    | 5                      | ...      | 5      |
| "    rape, .....                    | ...                     | ...      | ...    | 2                      | ...      | 2      |
| "    kill, .....                    | 6                       | ...      | 6      | 7                      | ...      | 7      |
| Bastardy, .....                     | 18                      | ...      | 18     | 16                     | ...      | 16     |
| Bigamy, .....                       | 1                       | ...      | 1      | ...                    | ...      | ...    |
| Burglary, .....                     | 30                      | ...      | 30     | 9                      | ...      | 9      |
| Contempt of court, .....            | 3                       | ...      | 3      | ...                    | ...      | ...    |
| Cruelty to animals, .....           | ...                     | ...      | ...    | 1                      | ...      | 1      |
| Culpable carelessness, .....        | ...                     | ...      | ...    | 1                      | ...      | 1      |
| Disobedient apprentices, .....      | ...                     | ...      | ...    | 10                     | ...      | 10     |
| Disorderly conduct, .....           | 943                     | 164      | 1107   | 557                    | 90       | 647    |
| Embezzlement, .....                 | 4                       | ...      | 4      | 1                      | ...      | 1      |
| Escaped convict, .....              | ...                     | ...      | ...    | 1                      | ...      | 1      |
| Felony, .....                       | 19                      | 2        | 21     | ...                    | ...      | ...    |
| Forgery, .....                      | 17                      | 1        | 18     | 11                     | 2        | 13     |
| Fugitives from justice, .....       | 1                       | ...      | 1      | 3                      | ...      | 3      |
| Furious driving, .....              | ...                     | ...      | ...    | 4                      | ...      | 4      |
| Gambling, .....                     | 2                       | ...      | 2      | 2                      | ...      | 2      |
| Grand larceny, .....                | 43                      | 7        | 50     | 37                     | 17       | 54     |
| Intoxication, .....                 | 744                     | 204      | 948    | 1028                   | 366      | 1394   |
| Illegal voting, .....               | ...                     | ...      | ...    | 2                      | ...      | 2      |
| Indecent exposure of persons, ..... | ...                     | ...      | ...    | 3                      | ...      | 3      |
| Insanity, .....                     | 6                       | 3        | 9      | 2                      | 1        | 3      |
| Interfering with officers, .....    | ...                     | ...      | ...    | 5                      | 2        | 7      |
| Carried forward, .....              | 2082                    | 420      | 2502   | 2061                   | 571      | 2632   |

TABLE D.—(Concluded.)

| OFFENCES.                                 | SECOND DISTRICT PRISON. |          |        | THIRD DISTRICT PRISON. |          |        |
|-------------------------------------------|-------------------------|----------|--------|------------------------|----------|--------|
|                                           | Males.                  | Females. | Total. | Males.                 | Females. | Total. |
| Brought forward, .....                    | 2082                    | 420      | 2502   | 2061                   | 571      | 2632   |
| Keeping disorderly house, .....           | 5                       | 2        | 7      | 8                      | 4        | 12     |
| Kidnapping, .....                         | 1                       | ...      | 1      | ...                    | ...      | ...    |
| Larceny, .....                            | 44                      | 22       | 66     | 5                      | 1        | 6      |
| Libel, .....                              | ...                     | ...      | ...    | 1                      | ...      | 1      |
| Malicious mischief, .....                 | 12                      | ...      | 12     | 6                      | 1        | 7      |
| Mayhem, .....                             | 1                       | ...      | 1      | 1                      | ...      | 1      |
| Misdemeanors, .....                       | 39                      | 1        | 40     | ...                    | ...      | ...    |
| Murder, .....                             | 2                       | ...      | 2      | 2                      | ...      | 2      |
| Obtaining goods by false pretences, ..... | 8                       | ...      | 8      | 9                      | 2        | 11     |
| Petit larceny, .....                      | 107                     | 25       | 132    | 187                    | 44       | 231    |
| Perjury, .....                            | 1                       | ...      | 1      | 1                      | ...      | 1      |
| Poisoning, .....                          | 1                       | ...      | 1      | ...                    | ...      | ...    |
| Rape, .....                               | 10                      | ...      | 10     | 8                      | ...      | 8      |
| Receiving stolen goods, .....             | 12                      | 3        | 15     | 5                      | 1        | 6      |
| Riot, .....                               | 56                      | ...      | 56     | 24                     | ...      | 24     |
| Robbery, .....                            | 12                      | ...      | 12     | 4                      | ...      | 4      |
| Running over child, .....                 | ...                     | ...      | ...    | 1                      | ...      | 1      |
| Seduction, .....                          | ...                     | ...      | ...    | 1                      | ...      | 1      |
| Selling diseased meat, .....              | ...                     | ...      | ...    | 1                      | ...      | 1      |
| Suspicious persons, .....                 | 8                       | ...      | 8      | 1                      | ...      | 1      |
| Vagrancy, .....                           | 1064                    | 887      | 1951   | 75                     | 68       | 143    |
| Violation Corporation Ordinances, .....   | 72                      | 4        | 76     | 66                     | 1        | 67     |
| Violation liquor laws, .....              | ...                     | ...      | ...    | 5                      | 1        | 6      |
| Violation lottery laws, .....             | ...                     | ...      | ...    | 1                      | ...      | 1      |
| Witnesses, .....                          | 3537                    | 1364     | 4901   | 2473                   | 694      | 3167   |
|                                           | 7                       | 1        | 8      | 8                      | ...      | 8      |
| Total, .....                              | 3544                    | 1365     | 4909   | 2481                   | 694      | 3175   |

It will be seen that *six-sevenths* of all persons committed to the three city prisons were intemperate; that *one-third* could neither read nor write, whilst only *one-fourteenth* were well educated.

#### PRISON DISCIPLINE.

The committee append to this report the results of the examinations by their committees of inspection of Clinton State Prison, and of the local prisons of St. Lawrence, Essex, Columbia and Dutchess, and they ask an attentive perusal of their suggestions.

The committee have noticed with interest that our prison affairs have, during the present session of the Legislature, called forth more than usual consideration; especially, however, with reference to their financial concerns. It is not now our intention to enter upon any investigation of the mere money accounts of prison officers.

The Association has, in former reports, rendered the State no slight service in this regard, in connection perhaps with our exposure of the brutalities of some of the keepers. To our thorough and rigid investigations of the accounts of Sing Sing Prison may indeed most probably be attributed the opposition of some former officers and inspectors to our examinations.

Leaving these matters, the committee respectfully ask the thoughtful attention of the Legislature, and of their fellow-citizens, to some suggestions of *higher moment* and more abiding interest. It is time to consider the questions—Has the *prison system* of our State answered the expectations of its originators? and will the true interests of society be best subserved by its continuance or modification?

These questions are not to receive their solution by simply "measuring ourselves by ourselves, or comparing ourselves among ourselves." We are wisely told that this is "not wise." Yet hitherto it has apparently been taken for granted that no improvements are to be expected on our prison system. An occasional discussion has, to be sure, arisen on the subject of contracts, or supplies, or some other equally trivial matter, but neither wardens, Inspectors, or other constituted authorities have seemed

of late years to care to burthen themselves with the inquiries, How can the future and moral interests of the prisoner be best promoted? and how can our dealing with the criminal be made to repress the disposition to crime in others? Our prison system has been measured by itself, and our prisons have been compared with one another, and mainly with reference to the subordinate and almost ignoble question—What do they cost?

Other States and countries have gone very far beyond this; they have instituted inquiries, incurred great expense, and tried many an experiment for the purpose of reclaiming their fallen fellow men, and preventing others from coming into the same condemnation, and it is mainly by their experience that we are to be guided to a right decision as to our own duty.

It cannot yet be said that the question of prison discipline has been solved. There has been, however, an approximation to it. The world is wiser than when the criminal was chained to a soldier, or than when the heterogenous contents of prison vans were emptied into one common, indiscriminate, festering receptacle.

These things at least have been learned: that the criminal is not necessarily irreclaimable; that evil communications do corrupt good manners; and that a renewed man is less likely to lead others into sin than an abandoned felon.

Following up these *modern discoveries*—we will not stop to inquire whether they were admitted truths in Judea eighteen centuries ago—our prisons have been so constructed as to prevent the corrupting influences of night associations amongst convicts; their system of government by day has aimed to restrict at least, if not to prevent, the depraving effects of idleness and free intercourse; we have even given the prisoners a Sabbath, a Bible, a Chapel, a Minister, a School Book and a Teacher. And so some have been saved.

But the consciences of many are not yet reached. And the sad truth is, that our mode of dealing with the criminal does not deter

others from crime. An array of statistics would not add to the common conviction of these truths.

Still, aiming to follow to their legitimate deductions the fundamental principles already alluded to, we inquire, What more can be done to reclaim the criminal? Do we need more completely to separate him from his fellow-convicts? Does he need more provision for his moral and intellectual nature? What are the incentives to be presented to him for amendment and improvement?

We have a double object to gain in our treatment of the criminal: by his punishment, to vindicate the righteousness of the law, and thus to deter others from incurring its penalties, and to reclaim him who is brought under its dealings.

The day has passed when society can be content with the simple incarceration of the criminal. If shut up to-day, to-morrow he will be at large, carrying into his renewed associations in life just the character which he has formed or strengthened when under restraint. That character tells upon others, and is felt strongly in all the reticulations of the social fabric. Since Howard threw open prison scenes to the public gaze, there has been a growing conviction of the absolute necessity of conforming the discipline of the prison house to the teachings of philosophy and the promptings of humanity.

Under the lead of Howard, the early reformers aimed at a *classification* of the inmates of prisons, as the method most likely to remedy the manifold evils of promiscuous confinement. It seemed to be thought that as a matter of course the crimes of old culprits would be of the highest grades, whilst the younger would only indulge in trivial offences. What is now a very manifest fallacy, had then to be discovered. And very soon the discovery was made. The man criminally disposed indulges his propensities as opportunities offer, without much regard to the kind or degree of the offence. Grades were therefore constantly multiplied, so that there was a gradual development of the great truth that *in the matter of character each man is a grade by himself, and is to be treated as a unit.*

But such a solution of the problem involved very grave consequences. Economical considerations interposed, and, divested of verbiage and the set phrases of penal terminology, the question truly at issue for a long time, was: what is it worth to the community to save a criminal? And the dollar aspect of the problem is altogether too prominent, even to the present day. The redemption of a lost man is not to be measured by such a standard.

After it was settled, that criminals should not be retained in idleness, the discussion at once arose as to their most profitable employment; and however other motives may have governed philanthropists in their inquiries into the various systems of discipline, probably this has had more to do with the action of legislators than other considerations. It might naturally be inferred that the system of associated labor hence came into such general favor.

But experiment and progress have gone beyond this. The tested inefficiency of classification as a general system, gradually led to the idea of the complete separation of convicts from each other. Our own State was amongst the first to try the experiment; unfortunately, however, acting on the single idea of punishment, the criminal was not only shut off from all association with others, but he was left to absolute idleness. This was an oscillation of the pendulum to the other extreme. Promiscuous intercourse, it had been found, resulted in the total depravation of the moral faculties; solitary confinement, without labor, it was now discovered must overthrow the mental powers. The man was wrecked, on either system.

Not discouraged, however, by these failures, wise and humane men still pressed the inquiry, with the light of a more varied experience, how to save and restore the criminal. The expensive and thorough experiments made by the State of Pennsylvania, have probably been more of an approximative solution of the problem, than all other schemes tried in our own country. By combining labor with separation from convict intercourse, and allowing frequent visits by upright men, the mind of the prisoner found occupation; directed to external objects and pursuits, it

no longer preyed upon itself, and measurably at least, the liability to mania was obviated. We do not by any means undertake to say, that mania does not occur under the separate system, as now conducted in the best prisons; but this at least must be admitted, that, looking at the comparatively greater difficulty of detecting mental aberration in the crowd of associated felons, and looking also at the certainly greater exposure of the convict to moral induction in such a situation, impartial judges must admit the manifest advantages, in the aggregate, of the separate over the congregate system. Our limits necessarily prevent enlargement and explanation here. That the congregate system, in its entirety, as conducted in our State is a failure, must be acknowledged. And that the separate system, as it exists in Pennsylvania, has arrived at perfection, we do not believe. But we do think that the two experiments have resulted in the establishment of certain truths, which a wise legislation will not disregard.

Happily, the philanthropy of other countries has kept pace with the movements in our own, perhaps in some respects advanced beyond them. The penal colonies of England have been the theatre of schemes and plans for the treatment of the criminal, to an extent and on a scale greatly beyond our limited views. It would seem indeed that the authorities of our father-land have never turned a deaf ear to any representations or suggestions which appeared to have a fair amount of motive and method to recommend them. Most prominent amongst these schemes is that of Capt. Maconochie, known generally as the "mark system," introduced by him on Norfolk Island in 1839, and continued for rather more than two years, when it was, in terms, abandoned. And yet it seems unjust to say unqualifiedly abandoned, for whilst many of his views on the management of men, but more especially in the carrying out of his own plans, proved lamentable failures, yet, after all, their distinguishing feature has been incorporated in what is now known as the "probationary system," which for several years has been maintained in some of the penal colonies with very evident success.

Of this system it must suffice here to say, that the terms and character of punishment under it are mainly dependant on the

conduct of the criminal whilst undergoing sentence. In other words, the sentence is conditional, and terminable for cause. Instead of condemnation to a fixed period of confinement, as with us, his sentence is coupled with the performance of a given amount of labor, and the labor of a day being settled by law, the convict may, by extra work, earn a proportionate diminution of his sentence. This provision is wisely connected with fines for misconduct, which are charged to his labor account. Both of the great remedial attributes of his moral nature are thus appealed to—hope and fear. He is dealt with as a rational being; it cannot therefore be surprising that the reports speak encouragingly of its influence on the men.

We have now seen that the science of penology thus far has been progressive; classification, solitary confinement without labor, associate labor and separation by night, entire separation with labor, and probationary sentences, have all been tried, and a gradual advance has been made in the method of treating the violator of human law.

Some general truths we think must now be admitted:

*First.* The convict should be entirely separated from his fellows from the first moment of arrest, excepting, it may possibly be, in life or very long sentences, or where association seems essential to the preservation of the health or the intellect.

*Second.* The convict, thus separated, should have steady employment, and should be allowed intercourse with persons calculated to benefit him.

*Third.* An adequate number of moral and intellectual teachers should be provided, so that daily and systematically all the nobler attributes of his nature may be brought into immediate contact with remedial and elevating influences.

*Fourth.* The idea of punishment for wrong-doing should not be dissociated from the disciplinary process to which the culprit is subjected. He has violated law, and its majesty can only be vindicated by the infliction of penalty.

*Fifth.* The prisoner should be trained to well regulated and profitable industry, so that when he leaves his prison house he

may re-enter into life better fitted to encounter its trials and temptations, and to provide an honest maintenance for himself and family; he will thus be possessed of one of the surest safeguards against criminal indulgences—self-respect.

*Sixth.* Some sufficient stimulus to well-doing should be set before him whilst in prison. Whether his term of confinement should be, so to speak, on a *sliding-scale* system, or adjustable by his conduct, or whether, that being rigidly fixed, a debit and credit labor account should be opened with him, we do not now pretend to say. Possibly both plans might be judiciously combined.

*Seventh.* Arbitrary and irresponsible prison government should be at once abolished; or, if the despotic principle is to bear sway, certainly some more scrutinizing and cautious method of selecting the despot should be devised, than that which now governs in his appointment. Punishments are doubtless necessary where a large body of abandoned men are congregated, otherwise "confusion worse confounded" would soon reign. But the effect, both on the culprit and on the observer, of punishment administered on principle, is salutary; whilst the passionate and revengeful exercise of power never fails to awaken sympathy with the sufferer, and hatred of the tyrant. This is as true within as it is without prison walls.

These remarks, it may be said, are but generalizations. True, but they are deductions from multitudinous facts gathered during many years, and from many states and countries. They therefore convey volumes of instruction, however condensed their form.

The executive committee respectfully invite attention to the facts and the testimony of practical men, which they subjoin. They are not selected with a view to frame a system; and their value is, perhaps, rather enhanced by their occasional seeming diversity and conflict. The elements of truth are always the same, however kaledoscopic their combinations. It is by the study of this very diversity that we may more surely arrive at safe conclusions.

*In relation to punishments.*

The attention of the Legislature is especially due to the reports for 1853, (Assembly Doc. No. 40, 1854,) of the punishments in Auburn and Sing Sing, prisons. The effrontery, for it can scarcely be described by any other epithet, of these reports is most remarkable. Sections 45 and 108 of the "act for the better regulation of the county and State prisons of the State," pp. 790 and 802 R. S., vol. 3, 3d ed., provides as follows:

§ 45. Whenever any convict shall be found incorrigibly disobedient to the rules of either of the State prisons, it shall be the duty of the warden thereof to confine him in one of the solitary cells provided for in the preceding section, at hard labor, and when practicable, he shall, when so confined, be employed at the same trade and business he shall have been employed in immediately previous to such solitary confinement.

§ 108. No keeper in any State prison shall inflict any blows whatever upon any convict, unless in self defence, or to suppress a revolt or insurrection. If in the opinion of the warden of such prison it shall be deemed necessary in any case to inflict unusual punishment, in order to produce the entire submission or obedience of any convict, it shall be the duty of such warden to confine such convict immediately in a cell upon a short allowance, and to retain him therein until he shall be reduced to submission and obedience. The short allowance to each convict so confined, shall be prescribed by the physician, whose duty it shall be to visit such convict, and examine daily into the state of his health, until the convict be released from solitary confinement and returned to his labor.

Yet, directly in the face of the plain letter of the statute, the warden of the Auburn prison reports, p. 38, as to punishments, as follows:

|                                    |     |
|------------------------------------|-----|
| Shower bath, .....                 | 223 |
| Yoke, .....                        | 89  |
| Solitary confinement, .....        | 55  |
| Seated on floor, .....             | 19  |
| Head shaved, ball and chain, ..... | 2   |
| Bucking, .....                     | 10  |
| Total, .....                       | 397 |



And the warden of Sing Sing Prison reports, p. 48, table No. 12, number of punishments, as follows:

|                                              |            |
|----------------------------------------------|------------|
| Showered, .....                              | 247        |
| Sheared and showered, .....                  | 4          |
| Solitary cell, .....                         | 121        |
| do and showered, .....                       | 3          |
| Ball and chain, solitary and showered, ..... | 2          |
| Total, .....                                 | <u>377</u> |

*Prisoners*  
 Now, if ever the design of a statute was clear and explicit, this most certainly is, that the prison authorities should be restricted to the infliction of solitary confinement as the punishment of a refractory prisoner. Perhaps the kind-hearted men who disport themselves with shearing, showering, bucking and chaining their victims, may reply that the statute does not, in terms, forbid the shears and water, the iron bar and chain, as it does the lash. Neither does it interdict the rack, the thumb-screw, the gridiron. Have the days of inquisitorial tortures returned? or have we, as a people, become so callous that public officers can thus parade their own illegal cruelties before the lawgivers of the land, without check or rebuke?

We need but to look in our own prisons to realize the imperative need of accurately defined rules and regulations for the correction and subjection of insubordinate convicts. As to these barbaric devices for subduing the disobedient, they are far worse than the lash when it is administered under the restriction of a judicial sentence. And every consideration of humanity and a sound philosophy, demands that such a sentence should precede and govern all deliberate punishment. Cases may arise in a prison, as well as in ordinary life, when even the first principle of self defence may demand prompt and vigorous action on the part of a keeper; but when offences are of a nature that they can be calmly and quietly investigated and adjusted, this should be done. Punishment thus administered, affects the moral as well as the physical nature.

The report of the inspectors of the Rhode Island prison for the year ending Dec. 31, 1853, says:

"The discipline of the prison has also been greatly improved. In only 20 cases has punishment been administered. The number of stripes inflicted is 27, and the number of hours of solitary confinement 256." The inspectors add respecting the Warden, Wm. Willard, Esq.: "He has brought the prison into admirable order; he has endeared himself to the prisoners by his constant attention both to their physical comfort and moral improvement." Whole number of convicts during the year, 71.

In the Maine State Prison, for the year ending Dec. 1, 1852, with whole number of convicts during the year, 127, there were but 32 punishments, average  $2\frac{1}{2}$  days' solitary confinement each; ball and clog, one.

The Warden of the Massachusetts State Prison, at Charlestown, in his report for the year ending Oct. 1, 1853, says: "In conformity to the statute, requiring the number of stripes inflicted, together with the circumstances attending each case, the cases where corporeal punishment has been resorted to are here stated." There were 25 men punished. Average number of stripes, 2.44. Highest number on two prisoners, 6 each. The Warden adds, that in his opinion "a judicious infliction of stripes is the most humane and effective mode of punishment, and in order to secure to the discipline the full benefit of that mode of punishment, it should in many cases be administered promptly." The character of the ordinary discipline of the prison is thus stated by the inspectors: On their way to the cells at evening, "such as have committed any offence during the day, remain at a given point, when the offence of each is stated by his overseer to the warden or deputy, who examines the case, and in his discretion, merely reprimands the offender, or sends him into punishment, which consists in the deprivation of supper and bed; instead of the latter, a board and blanket being allowed. The number of punishments per day does not greatly vary from one and a half per cent. on the number of convicts."

The inspectors say: "We consider the Charlestown prison system" (which is substantially that of our own State) "thoroughly the best ever devised, to be only in the germ." They add that "their defect in the classification of the prisoners is one instance of the faulty management."

We have already noticed the fallacies of the idea of classification.

The Warden of the Ohio State Prison for 1853 reports:—"Number of convicts punished, 72; with the lash, 47; whole number of lashes, 184, being less than an average of four lashes at each punishment; showering, 65; solitary confinement, 8." The Warden says: "Solitary confinement, especially in the narrow cells of this prison, is the most cruel, and at the same time least effectual punishment, that can be enforced." He thinks that it leads to secret vice.

The committee present these testimonies with a view to fix attention on the significant fact that even in our "best devised" prison systems, the method of reaching the moral sense of a refractory prisoner is still chiefly through the infliction of stripes. In the treatment of criminals, the lesson does not seem yet to be learned that they are men, with the faculties and emotions of other men, and that the established laws of man's mental and moral nature ought not to be disregarded in dealing with them. And this consideration may properly introduce some facts in relation to

#### THE MORAL AND INTELLECTUAL INSTRUCTION GIVEN TO THE INMATES OF OUR PRISONS.

By the annual report of the Prison Inspectors of our own State, it appears, that with a daily average for the last year at Sing Sing prison of 879 men and 98 women—total, 977 convicts—there were *one chaplain and two teachers*. But as an offset, there were, besides the agent and warden, 36 keepers and 35 guards and substitutes; a total physical force of 71 men.

At Auburn, with a daily average for the last year of 287 prisoners, they have likewise one chaplain and two teachers; showing an additional moral and intellectual element in the official

corps of about *two-thirds of one per cent.* over Sing Sing. They have 28 keepers and 30 guards.

Thus it will be seen that the idea of reforming prisoners by improving their minds and enlightening and elevating their moral sense, has thus far taken slight hold on our public authorities. The chief reliance is still on mere physical restraint. How much of wisdom this course implies is sufficiently manifested by looking at the tables of "Education" and "Habits."

Of 297 convicts received at Auburn prison during the year ending Nov. 30, 1853, there were who could

|                              |            |
|------------------------------|------------|
| Read and write,.....         | 206        |
| Read only,.....              | 44         |
| Neither read nor write,..... | 38         |
| Academic,.....               | 8          |
| German,.....                 | 1          |
| Total,.....                  | <u>297</u> |

By the table of "Habits," it would appear that of the whole number 297, there were 139 temperate and 158 who were classed as intemperate, and occasional and moderate drinkers. But as these facts come from the prisoners themselves, their claims to "temperance" must be taken with some little doubt. The almost unvarying testimony on this point, if applied here, would reduce the number to 72, this being one-fourth of the whole.

The Sing Sing tables give, of 314 male convicts, received during the year ending Nov. 30, 1853, as follows:

| Habits of life.   | Degree of instruction. |            |
|-------------------|------------------------|------------|
| Temperate,.....   | 164                    |            |
| Moderate,.....    | 35                     |            |
| Intemperate,..... | 115                    |            |
| Total,.....       | <u>314</u>             |            |
|                   | Cannot read,.....      | 38         |
|                   | Read only,.....        | 36         |
|                   | Read and write,.....   | 196        |
|                   | Common education,...   | 29         |
|                   | Well educated,.....    | 15         |
|                   | Total,.....            | <u>314</u> |

Statistics of this character are principally of value for guidance in the future. Pregnant as they are with instruction, they yet seem to attract but little notice. These tables tell us unerringly, that ignorance and intemperance were the corrupters which led to crime, and thus to punishment. The culprit is now in the hands of the State; he is a child undergoing paternal discipline. What shall the State do? Treat him as incorrigible; chain him like a wild beast; and again let him loose, to prey and depredate on the community? Or, shall the great leading purpose and aim be, to root out the causes of his fall, and prepare him to make another trial of life, under more favorable auspices? To accomplish this latter purpose then, let him be taught and trained, intellectually and morally. Let this be done by competent instructors, and let every man, every day, be brought under their influence. This would require more money, say the economists; true, but as the number of teachers is increased, the number of guards may be diminished.

The chaplain of Sing Sing prison says, "The public services are the principal instruments of religion in the prison." Such instruments we would never undervalue; but is there not a personal duty to perform besides? Will not the visit to the cell, where the sorrows of a broken and penitent heart are poured into the ear of a sympathising friend, be of a practical advantage which the pulpit does not supply?

"Divine service," says the chaplain, "according to the book of Common Prayer, has been continued as usual, once every Sunday in the chapel of the men's prison, and in the women's prison, with preaching in both places."

The chaplain of Auburn prison, reports, that "the accustomed service of morning prayer, according to the form of the book of Common Prayer, authorised by the Protestant Episcopal church, succeeded by a discourse, has been performed every Lord's day, excepting *some few* Sundays when I was absent by permission, and likewise prevented by indisposition."

So it would seem that this Christian State only provides Sunday religion for its erring children; an every-day acknowledgment of

our dependence on God; an every-day thanksgiving for his mercies, and an every-day confession of sin and supplication for forgiveness, is more than the law requires. But is God only to be recognized once a week in our prisons?

In contrast with these reports from the chaplains of our own prisons, we present that of the chaplain of the Massachusetts State prison, for the same year. It may, perhaps, furnish matter for serious thought and reflection to our own prison authorities. He says:

"Religious service has been conducted *every day* in the chapel, in presence of all the prisoners. During the secular days of the week, sufficient time has been taken to render these services as impressive and useful as possible; and though the time is comparatively brief allotted to each occasion, we have reason to believe they have been salutary and effective. In our scripture lessons we have endeavored to select those portions that were practical, rather than doctrinal; and plain, rather than those which required the aid of biblical criticism to be understood; so that our daily lesson might be at once suggestive of religious thoughts, and impress the heart with devout feelings. We have thought this the more desirable, because there is, among the prisoners, so great diversity of religious sentiment. The same principle has been observed in selecting scripture lessons and topics for preaching on the Sabbath.

The occasion for meeting so frequently for divine worship, cannot be, in the mind of any person acquainted with prison life, a matter of doubtful utility. The habitual recognition of God, whose equity is known to be inflexible, against whom the heart has so frequently rebelled, and whose providence has been so full of mystery in its strange detection and punishment of crime; combined with the fact that we meet in a place, which contains the acknowledged symbols of His mercy, and which opens before the guilty the avenues of hope, has, we have reason to believe, upon the hearts of many, a salutary effect. On the part of others it wakes up at times the most affecting reminiscences. A life whose pathway is strown with the wreck of cherished hopes, has

Religious Service

appeared in painful contrast to what it might have been by virtue and honest industry. Then there is the remembrance of scattered families, of aged and desolate parents, of wives into whose hearts has entered the agony of unutterable grief, of wasted energies and worse than wasted years, with a reputation forever blighted and ruined. We have reason to believe that many a wretched convict, whose soul has been burdened with sorrow in our seasons of religious gathering, has offered up the silent though pathetic prayer, "God be merciful to me a sinner." We are constrained to acknowledge, however, that these remarks are made in regard to the better class of prisoners. There are those whose moral susceptibilities are dull and almost extinct, who are incorrigible, and who remain unaffected by any appeals which are made by divine justice, or those other and more benign influences which cluster so richly around the gospel of Christ."

The chaplain of the same prison further says :

"Personal instruction has been imparted to the prisoners as far as opportunity allowed. A part of every afternoon, during the secular days of the week, has been devoted to this purpose. The chaplain has an interview with each convict as soon as convenient after his commitment to the prison. These interviews are always private, and designed to encourage the prisoner to reveal the course of his past life ; to state the influences and circumstances, mitigatory or otherwise, which tended to form his character, and lead to his criminality ; and to impress upon his heart, before the first sad effects of prison life are effaced from it, the fact that God will sooner or later render 'to every soul of man that doeth evil' the sure and melancholy fruits of sin.

"It is our custom, also, to see each man the day previous to the expiration of his sentence, for similar instruction."

The duties of a prison chaplain, fulfilled in the spirit that breathes through this report, must, we think, prove far more efficacious in the reformation of criminals than the showering, shearing and bucking system now in vogue in our own prisons.

In this connection, we invite the attention of the Legislature to the relative numbers of the two classes of officers in our prisons, whose duties affect respectively the physical and moral natures of the prisoners.

In Auburn prison, as appears by the report for last year, there were :

|                |    |
|----------------|----|
| Keepers, ..... | 28 |
| Guards, .....  | 20 |
| Total, .....   | 48 |

In the same prison were attached :

|                 |   |
|-----------------|---|
| Chaplain .....  | 1 |
| Teachers, ..... | 2 |
| Total, .....    | 3 |

Connected with Sing Sing prison were :

|                |    |
|----------------|----|
| Keepers, ..... | 36 |
| Guards, .....  | 35 |
| Total, .....   | 71 |

And :

|                 |   |
|-----------------|---|
| Chaplain, ..... | 1 |
| Teachers, ..... | 2 |
| Total, .....    | 3 |

Eminently indicative are such facts of the nature of the discipline to which the inmates of our prisons are subjected. Were they to be cared for in accordance with the hypothesis that they have moral faculties as well as those who are outside of prison walls, it cannot be doubted that the number of keepers and guards would bear diminishing much below the needful increase of moral and intellectual teachers.

In the New-York City prison report, hereinbefore referred to, ignorance and intemperance stand forth as the most prominent

characteristics of criminals. Almost every other table of the causes of crime shows the same fact. With such indisputable evidence before us, is there not a corresponding duty devolving on those to whom is entrusted the details of our prison systems?

The labor of collecting and arranging facts statistically amounts indeed to little more than ostentations display, if the results are not to be used as guides for the correction of theoretic errors and practical wrongs. Moreover, what is the gain to society by the incarceration of the criminal, if he is to reënter at last into life, just as ignorant and just as depraved as when first arrested?

Without alluding to the more common remedies for intemperance—which may not be considered as our especial province—we may at least with propriety remark, that the intemperate class found in our prisons is generally composed of those sunken in both intellectual and moral ignorance. The confined criminal is, indeed, debarred from indulgence in his old habits of intemperance, but of what use is the temporary restraint if it be not improved to instruct, enlighten and elevate his mind and heart?

In the general result it would prove good economy to society at large to diminish the hours of mere physical labor, so as to ensure ample time for the mental and moral training of the prisoner. This will be more likely to prove a corrective for early neglect than bolts and bars, or the mere incorporation of his bones and muscles into the great prison machine.

#### SEPARATE AND CONGREGATE SYSTEMS.

In addition to what we have already advanced, the Executive Committee invite attention to the following remarks by the Inspectors of the Massachusetts State prison, in their report for 1853. They say:

“There is good ground for the hope that such convicts, (young men, and the older who are not adepts in crime,) by kind treatment, good advice, and seclusion from evil communications and associations, might be so reformed that they would go out from prison at the close of their terms of confinement, to become vir-

tnous and worthy members of society. But under the present arrangements, these persons are thrown into close associations in the workshops with the most incorrigible veterans in crime, and are thus subjected to fearfully evil influences. It cannot be expected that they should generally withstand these influences, and it must therefore be presumed that, instead of being reformed, they will become worse than they were when they entered.”

It will be borne in mind that the Massachusetts prison is held to be a model of the congregate system. Such remarks, therefore, from its Inspectors, have a peculiar force and significance.

The Inspectors of the Eastern penitentiary, Philadelphia, in their report for 1853, say: “Of the effects of the separate confinement system on the mass of convicts, the experience of every day and every year but increases their belief in its superiority over every other.”

The practical effects of the association of prisons are vividly and painfully illustrated in the following cases, given by the Penn. Journal of Prison Discipline, July, 1853, pages 125, *et seq.*

“The wife of a very respectable citizen, contracted a habit of drinking. So resistless was the habit, that she was accustomed to pawn anything that could be removed through the doors or windows, to obtain the means of indulgence. No proper receptacle for such persons being provided, there was no alternative but that most painful one of a commitment to a prison cell. It was hoped that a brief separation from all opportunity to gratify her appetite, would work a cure, especially when connected with the severity of the discipline. She was committed by due process of law to the county prison; and during the brief period of her restraint, she was associated at various times with at least three vile malefactors, one of whom was under indictment for murder. When she left the prison and returned home, instead of being the sober, useful, reformed woman, that her wretched husband expected, she had become familiar with the worst forms and most notorious haunts of wickedness and infamy. She was not only still intemperate, but far more degraded and hopeless in her condition than ever before.”

Prison Confinement - 1853

"A girl at service, in a respectable family, committed some trifling fault which irritated her employers, and induced them to commence a prosecution against her for larceny. She was charged with stealing a flannel jacket, and a bonnet ribbon. On the trial it was proved that the former consisted of at least thirty distinct pieces of cloth which she had sewed together, supposing the fragments to be of no value. The ribbon she had taken from an old bonnet which had lain among the rubbish of a loft for two years or more. She was found guilty, received sentence, and was committed in execution of it, to the county prison. Here she became the associate of two, if not three different individuals, each of whom had been steeped in crime; and though she went into prison technically guilty, but in all good truth and justice, guiltless, she came out a thorough bred mistress of iniquity. A committing magistrate states a case which fell within his own knowledge, in which a thief and the receiver of the stolen property were tenants of the same cell. And another case is mentioned, in which a youth was associated with an old rogue, who gave him daily lessons in the various branches of criminal science.

"A narrower policy can scarcely be conceived, than that which withholds the means of preventing crime, or counteracting the influences that provoke or promote it. We can make a very close estimate of the expense of keeping two practised rogues in separate places for a couple of years; but what it will cost to allow them to associate, is more than human wit can divine."

Instances of like character are of constant occurrence in our own prisons.

In most manufactories there is what is called a finishing room, in which the article manufactured undergoes the last manipulations and polish, before it is sent to the merchant. Somewhat analogous to this finishing room, are our prisons. The culprit comes under the power of the law, guilty as it may be, but driven to crime perchance, by poverty, ignorance, sudden temptation, provocation, or enticed to it by evil associates. In the prison, he is finished! and when he leaves it, he starts upon his new career, an adept in the arts of villany, schooled into depravity by society

itself. These are sad and mortifying truths. Would that we could awaken attention to them!

We have, furthermore, the authority of former wardens of Sing Sing prison, of the authorities of our city prison, and of the chief of police of this city, for stating that communications are constant between the inmates of Sing Sing prison and their associates at large, and that under existing arrangements, it is impossible to prevent it. Schemes of fraud and violence which have for the moment been checked by the arrest of an accomplice, are thus soon carried out by the substitution of a discharged convict, who comes out fully advised for action.

#### SIZE OF PRISONS AND APPOINTMENT OF PRISON OFFICERS.

If the object of imprisonment be merely incarceration, then, perhaps, the greater the number that are confined together, the better, on the score of economy. But if it be thought an object to reform the criminal, then should our policy be changed. No prison, contemplating a reformatory influence on its inmates, should contain over 400 persons; or such a number as can be personally brought to the knowledge, and under the direct influence of the Warden and Chaplain. These officers are, or ought to be, chosen for their peculiar moral fitness for the station. But however excellent their qualifications, it is quite as important that they should not be overburthened with work. If they never complain of the onerousness of their duties, the simple explanation is to be found in the fact that very few who are placed in these situations, either appreciate or perform them. Perhaps, however, the law itself, in other words, the outspoken sentiment of the community, is herein partly to blame. It should require with the utmost explicitness, that from the first moment that a convict comes under their control, he should be disciplined with direct reference to his reformation. If this be sound doctrine—and can it be gainsaid?—then should not only the size, but all the other arrangements of the prison be devised and adjusted to this end. The principal officers being men of the proper qualifications, the more frequent their intercourse with the prisoners,

the better. Hence the palpable necessity of limiting the number committed to their charge.

A system of district prisons, we are persuaded, would be a great advance on the present very faulty arrangements of our State.

Directly connected with this branch of the subject, is the mode of appointment, and the tenure of office of the chief prison officers. Now, the qualification chiefly regarded in the selection is, is he a sound Whig, or a staunch Democrat? And if the political complexion of the appointing board be changed, the incumbent well knows that his official days are numbered.

This state of things is reproachful to a people boasting of their capabilities of self government. There is just as much reason in making the politics of a clergyman or a schoolmaster the subject of inquiry, as there is in the case of a prison officer. How to remedy this abuse, is, however, a question of difficult solution. Leaving the appointment to remain as at present, with the Board of Inspectors, it might be that a better class of men would be selected, were they to hold office during their good behavior, and be removable only for cause, and this too, to be fully stated with the evidence, in the annual reports to the Legislature.

A correspondent, in a late number of the Penn. Journal of Prison Discipline, asks, "What will become of the convicts, whilst politicians are fighting for the custody of them?" The editors answer, "This is more than we can tell. \* \* \* It is not only into these more imposing and expensive institutions,—the patronage of which may be supposed to avail something in political struggles,—that the baneful influence of party spirit intrudes itself. It was but lately, that the project of a House of Industry, in a neighboring State, fell through, between political parties. If we are not misinformed, one of the most useful and successful institutions for the reformation of juvenile offenders, in our country, has been sadly embarrassed by the same cause; and another, of like character, and completely furnished and ready for occupation, remains with closed doors, till the appointing powers can settle some political squabble. If the influence of State politics is thus

baneful, we need not say how much more disastrous must be the intrusion of Church politics."

Sometimes the best remedy for a moral evil, is its detection and exposure. It will not bear the sunlight. We call the attention of the Legislature and the people to this folly; and for the present leave it before them, naked and shameless.

#### ANNUAL REPORTS.

An examination of the Annual Reports of our prison officers will show the necessity of more care in their preparation. The general act, "Of the custody and government of state prisons, &c.," defines, with great exactness, in many particulars, the duties of these officers. Whether they are performed or not, can neither be known by their reports, or by those of the Inspectors. A simple and perhaps efficacious remedy, might be found in the preparation by the Inspectors of printed forms or blanks, with headings for returns of every duty defined and specified in the act, to be filled in by the officers. The knowledge that they would be required to report thus minutely, as to the discharge of the duties assigned them by the law, would undoubtedly operate throughout the year, to their more careful compliance with its provisions.

#### BRITISH SYSTEMS OF PENAL DISCIPLINE.

The committee are not aware of any attempt hitherto, at least in an extended form, to bring to the notice of American legislators and philanthropists, the experiments that have for years been in progress in the penal colonies of Great Britain. There has been a growing apathy amongst us, on the general subject of prison discipline, greatly detrimental, as we believe, to the public good; perhaps, in part, a reaction of the discussions, which were formerly pressed with no little earnestness, by the respective advocates of the separate and congregate systems. And the States who have adopted either system, appear to rest contented with it, or at least to endure it, with apparently no disposition to change or improve. This can scarcely be considered creditable to us as a people; especially when we see other governments, not pretending to the "progressiveness," of which we boast, earnestly studying, without prejudice or partiality, the facts of penal science,

*Prisons in  
without need*

*Improvement of Reports  
discipline*

impelled thereto by the humane purpose of learning the best way to reclaim the criminal and to deter and protect the innocent from contamination.

In the Appendix to this Report, we present an outline of the famous "mark system," of Capt. Maconochie, first published by him in the year 1837, and tried under his own direction at Norfolk Island, for about two and a half years, immediately ensuing. The system was then abandoned, for reasons assigned in the official correspondence, which we copy. Rather than attempt an abstract of these papers, which could not prove so satisfactory to investigating minds,—and few others will interest themselves in this subject—we give Capt. Maconochie's own explanations and views, from the Parliamentary Reports.

Following these papers, are the official expositions and testimonials, relative to the "probation system," which was subsequently adopted at the penal colonies in Van Dieman's Land, and which, we believe, is still in satisfactory operation. We think it manifest, that this system is an off-shoot of Capt. Maconochie's. Certainly some of the prominent features of his plan are incorporated in this.

The *domestic treatment* of our criminals affords no opportunity for an exact experiment of this system amongst us. It may be well that it is so. Expatriation is of itself punishment; voluntary emigration, even in the company of friends, is seldom undertaken but from the pressure of circumstances, and even then is not unaccompanied with tears. But the probationary condition of the prisoner we might imitate. And we submit, whether it would not be wise to re-arrange Clinton prison for this purpose. The nature of the work done there, is such, that the labor of the men could be readily adjusted to a system of rewards and punishments, appealing constantly to their moral natures. If the association of convicts is ever to be allowed, certainly it may most appropriately be, when there are influences amongst them at work, counteracting and paramount to those excited by depraved minds on each other.

### DISCHARGED CONVICTS.

The committee have continued throughout the year to perform their duties with respect to applicants for relief, on their discharge from prison, with as much efficiency as was possible with their restricted means.

It is a source both of mortification and embarrassment, that the contributions of the giving public are doled out to us so scantily. We are well aware that many look upon a man convicted of crime, almost with loathing and dread. Those who labor among prisoners, however, well know that *they are men still*; with man's sympathy and affections as well as man's depravity and lust; and that they can be reclaimed, our experience as an association for nine years fully enables us to assert.

Self-preservation, were there no higher motive, should enlarge the charities of the benevolent, towards these unfortunates, even though they be guilty men. They return to society, on their discharge, either pirates or penitents. And it is mainly with society itself to say which it shall be.

Apart from direct pecuniary aid, which we bestow as seldom and as sparingly as possible, for very manifest reasons, our exertions are constantly employed in restoring the discharged convict to his friends, in procuring him work, in counselling him, in reinstating him, as we have frequently done, in the confidence of former employers. These labors require the entire time of agents who must be paid.

Some there are, who never tell our collector to call the second time for their annual contribution. Some, whilst making up their settlement with the world, have not forgotten in their dying testaments the criminals behind them, who are fast pressing into eternity. May we not trust that hereafter many more will esteem it a privilege to aid in restoring the wanderers to the paths of virtue and peace?

It would be wrong not to make honorable mention of those discharged convicts, who, having themselves been restored, by our



aid, to friends and comfort and respectability, now call upon us from time to time with their testimonials of gratitude, in contributions for others who are passing through the ordeal from which a kind Providence has delivered them. Many such we meet with in our experience. Others again, now themselves employers, call and inquire for discharged men, with offers of work and wages.

The following table gives a numerical summary of our labors in this department for the year 1853, showing the number, sex, color and present condition of the discharged convicts thus assisted:

| Present condition, as far as ascertained.    | From Sing Sing |                           | From Dutchess County Jail |                  | From City Prison |    | Males. | Females. | Black. | White. | Total. |
|----------------------------------------------|----------------|---------------------------|---------------------------|------------------|------------------|----|--------|----------|--------|--------|--------|
|                                              | From Sing Sing | From Dutchess County Jail | From Dutchess County Jail | From City Prison |                  |    |        |          |        |        |        |
| Doing well, .....                            | 24             | 4                         | 1                         | 28               | 2                | 26 | 28     |          |        |        |        |
| Hopeful, .....                               | 9              | 5                         | 1                         | 15               | 4                | 11 | 15     |          |        |        |        |
| Doubtful, .....                              | 6              | 1                         | 1                         | 7                | 7                | 7  | 7      |          |        |        |        |
| Returned to prison, .....                    | 1              | 1                         | 1                         | 1                | 1                | 1  | 1      |          |        |        |        |
| Sent to the Home of Female Department, ..... | 16             | 29                        | 45                        | 1                | 44               | 45 | 45     |          |        |        |        |
| Unknown, .....                               | 17             | 4                         | 20                        | 42               | 42               | 42 | 42     |          |        |        |        |
| Total, .....                                 | 57             | 25                        | 55                        | 93               | 45               | 7  | 131    |          |        |        | 138    |

We give three or four cases from our diary, as illustrations of the work of the association in this department.

No. 1. Born in New-York, aged 23; was convicted in this city of grand larceny, and sent to Sing Sing for two years. We restored him to his former employer, with whom he now works. He expresses himself grateful for our aid.

No. 2. Born in Ireland, convicted of forgery, and sent to Sing Sing for two years; is at present employed in a hatting establishment, at a salary of \$12 per week; is happy that he is out of the reach of temptation.

No. 3. Born in Buffalo, age 23; convicted in this city, of burglary, 3d degree; sent to Sing Sing for 3 years and 6 months; is a

barber; brings a most praiseworthy character from the Warden; is now doing well at his trade.

No. 4. Born in New-York, age 22; convicted in this city, of grand larceny; sent to Sing Sing for two years; before incarceration, was a pedlar. We have procured him work with a farmer in New-Jersey, at \$1 per day wages. Is thankful for our assistance.

These are our every-day cases. They present nothing of the *romance of crime*, as some do, and which we prefer to omit.

#### DETENTIONS.

The resignation of the agent who succeeded the venerable Isaac T. Hopper, left us for the entire year with only such occasional assistance as could be rendered by our financial agent, Rev. Mr. Van Keuren. As he could find opportunity, he has given attention to the more pressing calls made on the committee in behalf of individuals unjustly confined in our city prisons, or suffering in cells ignorant of their rights, and of the character of the "criminal lawyers" who live on the misfortunes and sins of their fellow men.

In the discharge of his duties, the agent of the committee on detentions is accustomed to visit those committed from day to day, and investigate their claims on our aid. It will be seen, therefore, that to enumerate all who may thus have been counselled by him, is not possible. There appears, however, on his diary, not less than 133 cases, who have been essentially aided by him. The character of this aid may be learned from the following instances, taken indiscriminately from the diary:

1853. Jan. 15. Agent visited Kings Co. prison, Brooklyn. Found five persons, Germans, in one cell, busily employed in playing cards. Also, found two boys, 16 and 15 years of age, sentenced to 5 days' imprisonment for *petit larceny*.

Feb. 11. At City prison. Attended to eight cases; ages, 16, 16, 15, 11, 16, 16, 13, 16.

Feb. 22. At Special Sessions. Attended to five cases; ages, 10, 13, 15, 12, 16.

Feb. 25. At Special Sessions. Attended to six cases; ages, 14, 13, 12, 15, 15, 16.

March 11. At Special Sessions. T. K., aged 13, sent to Juvenile Asylum; T. P. and T. D., ages 15 and 13, sent to House of Refuge.

August 11. Agent visited Albany City Jail. Found it filthy, offensive, without proper ventilation, and utterly unworthy of the city. It was nearly full of men and women, some of them confined for a long time without trial. There appeared to be no one to look after them. On visiting Rev. Mr. S., pastor of one of the city churches, he promised to call in at the prison and give such advice and relief as his other duties would allow.

Sept. 3. At New-York City Prison. Found prisoner I. W. I. detained for 50 days on suspicion, without trial.

The prisoners complain of the quantity and quality of the meat which they receive.

Sept. 17. At City Prison. Found a Mr. M., a stranger in the city, confined for walking on the grass in the Park. Called on his friend residing on Broadway, and obtained his discharge.

Sept. 23. At City Prison. Found several cases needing assistance, which was rendered.

Sept. 25. Agent visited White Plains Prison, Westchester Co. This is a new building; seems well ventilated; cleanly, with large and comfortable beds; about 20 inmates; they have meat once a day, and appear to fare well.

Sept. 26. Agent called at Eldridge street jail. Was refused admittance, because others had visited it and made unfavorable remarks. Learned that there were several persons requiring attention in confinement.

Oct. 7. Amongst other cases at City Prison, the agent found an apparently very respectable man confined on the charge of a malicious drunkard. On submitting the case to Justice Osborn, after prompt and due investigation, the man was discharged.

Oct. 23. At City Prison. Found there a lad, 16 years of age, the only son of his mother, and she a widow. He admitted having purloined money from his employers, a respectable banking firm in Wall-street, where he had received a salary of \$125 per annum. Association with boys who frequented the theatres led to his wrong doing. On visiting his employers, after an examination of all the facts, they declined appearing against him, and he was discharged; an officer of the Juvenile Asylum undertaking the care of him.

Nov. 9. In one of the upper cells of the City prison, saw a boy about 15 years of age, who had been fined *fifty dollars* and 5 days' imprisonment for throwing stones at other boys, in sport. Had been imprisoned three and a half months, in consequence of non-payment of fine. The boy was sprightly, and anxious to be learning his trade. On representation of the facts to Judge Beebe, he was discharged.

The character of the facts thus coming daily under our notice, it will be seen, is very diverse. The attention of our agents is constantly called to the large numbers of children under arrest, many of whom are restored to their parents and guardians thoroughly terrified by the first sad night of a prison life, and before their perceptions and susceptibilities are fairly lowered to its standard. Many such are doubtless saved for life by our intervention.

In conclusion, we would remind the Legislature that our work is but auxiliary. We can point out evils in our prison systems and management; the power of correction and improvement is with the constituted authorities.

All of which is respectfully submitted, on behalf of the Executive Committee.

R. N. HAVENS, *Chairman.*

*New-York, March, 1854.*

Examined by Joseph T. ...  
 Clerk of the Court

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## APPENDIX,

CONSISTING CHIEFLY OF EXTRACTS FROM REPORTS  
AND OFFICIAL CORRESPONDENCE, CONTAINED IN  
THE BRITISH PARLIAMENTARY JOURNALS, RELATIVE  
TO CONVICT DISCIPLINE IN THE PENAL COLONIES.

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## APPENDIX No. 1.

In presenting the following somewhat extended correspondence, the Executive Committee of the Prison Association have thought it wise to employ the language of the writers, especially as these documents are not generally accessible. They do not, however, by any means undertake to give all the arguments and reasons by which their schemes, opinions, and acts are advocated or justified. This would literally require volumes. But the committee believe that what is material to a correct understanding of their views is presented.

*Capt. A. Maconochie's "Mark System."*

The first allusions to this system, we find in vol. 40, for the years 1837-8, in a report addressed to Lord John Russell, &c., dated Hobart-Town, Sept. 30, 1837.

Capt. Maconochie says :

\* \* \* \* \*

10. "I suggest that the men should be brought from all the punishment stations in parties (say of *six*) who should *choose each other*, and agree to run the chances of their future probation together. \* \* \* I contend that the necessity thus imposed on all, even in the first stage, to cultivate the good opinion of their fellows, would of itself alone, produce a good moral effect, and prepare them for their future trials.

"11. These parties, then, when entered on their probation, should be reckoned with every evening by the Superintendent under whom they may be employed, and should receive marks in his books, to their credit or discredit, according to their conduct. If they have been orderly, obedient, zealous, attentive, active, in-

dustrious, cleanly in their persons and rooms, civil, temperate under provocation, punctual in their attendance at prayers, school, work, &c., or have in any other way deserved commendation, they should be given accordingly; and if, on the contrary, any one has deserved censure, his party should suffer in proportion.

"12. On entering on this course of probation, the restrictions imposed should be severe; and a fixed number of marks of commendation should be requisite to procure successive degrees of relaxation. But in all cases the rules should be enforced merely by the gain or loss of marks; never by summary punishment; and those parties, of whom one or more of the partners cannot be restrained by this moral influence and that of their companions over them, should be returned to punishment, allowed to dissolve their temporary connexion, seek separately other associates, and so begin again.

"15. But neither do I attach so much value to these details, as to the fundamental principles of introducing system \* into the management of convicts, \* \* \* and of substituting a *suitable degree of moral influence for the cold, hard, unwearyed coercion which is now alone employed.*"

From Vol. 42, for 1837, '38.

*Extracts from a dispatch from Lieutenant-Governor Sir John Franklin, to Lord Glenelg, dated Van Diemen's Land, Government House, 7th Oct., 1837, enclosing, inter alia, the following remarks, by Capt. Maccockie.*

1. I would earnestly recommend that a superior officer be appointed in each penal colony, specifically charged, and strongly impressed with a sense of the social importance of both the stern punishment of criminals, for the sake of example, and also of their judicious training, afterwards to produce their reform.

\* Capt. M. remarks in another portion of this extended communication, that there had been no changes in the British Colonial Penal System for fifty years previous.

(The benefit to be derived in a department like this, from steady, enlightened and undivided attention, cannot, I am persuaded, be estimated too highly; it would improve any accompanying arrangements, and without it the very best that could be now made would speedily fall behind the growing science of the age on similar topics.) The individuals selected, should have seats in the respective councils, to give them local influence, and should be required at fixed periods, annually, to transmit, through the local governments, to the Secretaries of State for Home and Colonial Departments, detailed reports of their proceedings, success, and of the movement of crime generally in their respective colonies. The department confided to them, and the progress made in it, would be thus constantly kept, as the importance of its object deserves, in the view of the home government and their own zeal and intelligence would be quickened.

2. Under their directions, all prisoners on their first arrival should be sent to a penal settlement, there to undergo their punishment for the past, and have their minds subdued, and their bodies prepared for their future probation and lot. For the former purpose I should not object to their sentence at home inflicting a minimum period of detention in this stage; but this period should not be too long, (from one to two years, even for the worst of offences, would I think be sufficient,) and without an exhibition of penitence and good resolution, this minimum should be by no means a maximum; on the contrary, no one should leave his seclusion here, till thoroughly subdued in mind, and so far as can be judged, sincerely desirous to exert himself to do well for the future. With his punishment should be blended moral, religious, and rural instruction, each to as great an extent as possible, so as to give all, whether previously habituated to labor or not, good dispositions and reasonable bodily ability for the future.

3. Progressively, as the several individuals thus become qualified, (by punishment, and undergone penitence testified, good disposition for the future manifested, and capacity for labor required,) they should be drafted to the roads or such other public work as may be considered proper, but in a manner to be now ex-

plained, and which I am certain would have an excellent moral effect. They should be formed into parties (say of six men each,) who should select each other, and undertake to share the chances of their probation together, so that the good or bad conduct of each individual should in all cases, while passing through this stage benefit or injure the others, (his chosen and inseparable companions,) equally with himself. The object of this arrangement is threefold; 1.—The physical position of a constable: 2.—The moral restraint and impulse to be equally acquired by making the conduct of each affect others as well as himself: and 3d, the social impulses which would be thus developed and set in opposition to the selfish exclusive feelings, which alike produce vice, and are produced by it.

4. On the roads, then, or other public works, the probationers (for I would now even change their appellation,) would be thus distributed into parties or gangs, say of six men each, living, lodging, laboring and ascending, or it may be, occasionally descending the ladder which can alone restore them to freedom, together. In now dealing with them, I would reckon every evening with each; his conduct whether good or bad, being represented by marks added to or subtracted from the common account of the party to which he may belong. The possession of a certain number of these marks being made requisite to advance any party a step beyond the scale of indulgence already obtained by it, the gain or loss of any, through the good or bad conduct of an individual belonging to it, would be thus felt by all; and as much as possible the law should in all cases be made precise, affixing a specific gain or loss to every shade of conduct. Here, then, the amount of labor performed would of course be considered with other claims, such as steadiness, obedience, attendance at church, attention to other religious instruction, corresponding proficiency in what may be taught, proper care of clothing, general respectability of appearance and manner, self-command, moderation under provocation, and the like. I would not, I think, make the allowance of food in any way dependent on the result of these reckonings; but I would be well disposed to allow the purchase of indulgences, as tea, sugar, tobacco, &c., for the several messes, by the sacrifice of their common marks. I would insist on each

individual's keeping a good suit of Sunday clothing; where any article was lost or destroyed, I would compel its replacement by a sacrifice from the common stock of marks. Very many advantages, both moral and economical, would obviously be derived from such arrangements.

5. The moral and physical restraint that would thus be acquired, would, indeed, be so great, that I am persuaded after a short time, offences of every kind would become rare; and it would be necessary even to be very particular that the salutary example of check arising from misconduct might not be entirely lost; yet this must not be altogether reckoned on either, for grave offences will be committed, or an individual may prove so habitually careless, obstinate or otherwise ill-conducted, that the party to which he belongs may be compelled to represent that they cannot, in justice to themselves, retain him, or continue to defray, at their joint expense, the marks lost by him.

6. And as I would thus never punish an individual apart from his party, so neither would I ever reward one. No exertion, no favor, no degree of individual merit, should carry a man through without his fellows; for on the absolute community of interest among the individuals of each party, I would rely more than on anything to make the system efficient.

A. MACONOCHIE.

From vol. 17, for 1841. }

*Abstracts of a copy of a dispatch from Governor Sir George Gipps to Lord John Russell.*

Government House, Sydney, 24th Feb., 1840.

My LORD—I have the honor to report to your lordship that Captain Maconochie returned to Sydney on the 27th January last from Van Dieman's Land, and that he sailed yesterday for Norfolk Island, there to enter on his duties as superintendent.

Under date February 25, 1840, Sir George Gipps encloses, *infer alia*, a communication from Capt. M., and from which the following papers, numbered No. 1, No. 2 and No. 3, are extracted.

## No. 1.

*Memorandum on the assistance that would be desirable in order to give full development to the principles of social management in a large insular establishment.*

I have repeatedly expressed a conviction that, with all its other advantages, the social management of prisoners will speedily be found also the most economical. The substitution of free for coerced labor in it, that is to say, of labor stimulated by the ordinary motives which animate industrious life in free society, instead of the mere fear of the lash or cells, must eventually prove economical; and besides the additional work which it will obtain, will obtain it also with a smaller amount of direct superintendence. But in the beginning especially, there will be a considerable demand for intelligent superintendence, and this ought to be even allowed. The object of the system is to develop the mind, not merely restrain or fetter the body; and superior as this object is, and peculiarly characterising what, if cordially gone into by the British Government, will be known as the English in contradistinction to both the Dutch and American systems; it seems even an object of national policy not to cramp its earlier steps by any thing which may approach the character of false economy.

I have omitted to notice above, the expense of clergymen, who should, I think, be much more numerous in a reformatory establishment than in one merely punitive. I would have one of some denomination or other to every 100 or 120 prisoners in the separate imprisonment stage; and as this, according to my present opinions, would be about one-third of each year's arrivals, (I think that four months in this stage should be even a high average), the proportion of clergymen to an establishment receiving 3,000 prisoners annually, would be 10; and supposing the average detention of prisoners was from three to four years (which I should think also probable), and their accumulated number were thus about 10,000 men, the proportion of clergymen to the whole community would be 1 to 1,000. If a longer period of separate imprisonment were deemed indispensable, this proportion would

require to be raised, for I do not think that a clergyman can, in conjunction with his other duties, do full justice to a greater number of men under his special care, than, as above, 100 to 120. It is at this period that the seeds of effective penitence and good resolution are to be sown, perhaps for life; and it would be the worst economy that would restrict the means of rooting and starting them.

## From No. 2.

*Memorandum on the Exchange of Marks for present Indulgences.*

I hope to cultivate their powers of self-command, and by making a certain voluntary saving over and above all present expenditure indispensable to the recovery of freedom, produce in their minds all the moral benefit which has been found invariably to accompany accumulations in humble life, in a savings bank.

Marks of approbation thus given for industry, and exchangeable for freedom or for indulgences, will just be wages, and will equally stimulate to care, exertion, economy and fidelity with them; and wherever these motives are placed, their results must be of the same character; though they must be more or less obvious in one place than another according to collateral circumstances.

## From No. 3.

I would propose, then, instead of any remission of punishment, or of its accompanying disqualification in individual cases, that its entire course should be broken uniformly into stages, to each of which in succession every prisoner should belong, in undergoing his sentence; being in each, subject to the restrictions, but at the same time enjoying of right, the immunities belonging to that particular portion of his passage through all. Thus, supposing an accumulation of 1,000 or 10,000 marks to be the fixed purchase of recovered freedom, below one number might confine to separate imprisonment; above that number, but below another, to social labor through the day, with separate imprisonment at

night ; between other two numbers, to social treatment both by day and night, and so forth. These stages should, I think, be multiplied, in order to keep hope and exertion active ; but I do not now enter into details, I merely explain the principle. \* \* \* \*

A. MACONOCHIE.

Vol. 42, for 1843.

*Extract of a dispatch from Governor Sir George Gipps to Lord Stanley, dated Government House, Sidney, 15th August, 1842.*

\* \* \* \* \*  
 In my dispatches I have brought before your lordship numerous details respecting Norfolk Island, which collectively, I think, must lead to the conclusion that the time is nearly arrived when it will be proper to remove from the island the prisoners, who, during the last two years and a half, have been there placed under the experimental system introduced by Capt. Maconochie.

\* \* \* \* \*  
 The contrast, indeed, ever has been, and still continues to be, so great between Captain Maconochie's official statements, and the accounts which reach me through other authentic channels, that even with the utmost allowance for the prejudices existing for or against it, I can form no definite opinion on the working of Captain Maconochie's system, except in so far as the expenditure of the public money is concerned, upon which point it must be allowed that the authority of the Deputy Commissary General is superior to any other. Feeling it, however, necessary to give, to the best of my power, a summary account of the present state of the island, I will do it in the following words :

The men are all (or nearly all) personally attached to Captain Maconochie ; he has much influence over them, and they greatly desire to please him, though some will occasionally turn him into ridicule, and in their communications to their old associates in this colony, they not unfrequently complain that the least deserving men are most in his confidence.

Punishment is rare on the island, and hardly ever severe. Attempts are frequently made to produce striking effects on even the worst men, by unexpected acts of leniency, forgiveness or confidence, calculated to awaken and call into play the good feelings implanted in them by nature, but which may long have lain dormant ; and such attempts are not unfrequently successful.

Petty crimes, however, abound ; and perhaps are even on the increase. Acts of overt or combined violence seldom occur ; and heinous acts of atrocity, such as the unprovoked infliction on each other of bodily injuries, are less frequent than they formerly were. Unnatural offences, it is to be feared, are on the increase.

The labor of the prisoners is turned less to account than it was under the management of former commandants ; consequently the produce of the island is falling off, and the expense of supplying it with provisions from Sidney rapidly increasing. \* \* \* \* \* Depredations on growing crops and other property of government, are more general than they were. \* \* \* \* \*

Finally, the prisoners on the new establishment are quiet and respectful in their demeanor, but idle and listless ; those on the old or doubly convicted establishment, uneasy and scheming.

\* \* \* \* \*  
 \* \* \* \* \*  
 When Captain Maconochie was sent to Norfolk Island (now two and a half years ago,) it was intended by Her Majesty's government, that large additional numbers of prisoners should be despatched from England, to join his establishment, but none such have hitherto been sent ; a fact, which of itself would seem to indicate, that Her Majesty's government entertain some doubt of the propriety of keeping up his establishment ; and such doubt must indeed have been suggested by the general tenor of my dispatch. Moreover Captain Maconochie himself neither seems to desire nor to expect to be continued at Norfolk Island, but, on the contrary, constantly expresses a hope and expectation of being removed to some other locality. \* \* \* \* \*



The principal object of this dispatch, is, therefore, to report to your lordship, that, unless I receive in the meantime any directions, rendering a different course of proceedings necessary, it is my intention, in the course of the month of March or April next, to cause the whole of the prisoners, who form, what is called Captain Maconochie's new or English establishment, to be removed to Van Dieman's Land.

Captain Maconochie will, of course, not admit, that his system has had a fair trial; and it is only just towards him to bear in mind, that he always objected to its being tried at Norfolk Island.

\* \* \* \* \*

Your lordship may have observed by my correspondence, that some of the principal officers of this government are among those, who, by Captain Maconochie, are charged with having thrown impediments in his way.

So long as the remonstrances of these officers were directed only against Captain Maconochie's habitual disregard of forms, regulations, or what may be styled, departmental observances, I thought it my duty, in a very great degree, to overrule them; considering that in the very novel and difficult position in which he was placed, all impediments should as far as possible be removed out of his way. But the evidence, lately brought by the same officers before me, of a rapidly increasing expenditure, has become so convincing (the good to be derived from it being still as problematical as ever), that the point seems to me to be attained, at which I ought to take a responsibility in another direction on myself.

\* \* \* \* \*

Capt. Maconochie's experiments were thus discontinued. Whether he had occasion to complain of his associates in office, as it appears by the last dispatch of Governor Sir George Gipps, that he did, it is not now necessary to inquire. It is certain that he entered on his experiments under the most favorable auspices. He was the controlling master spirit of the establishment; the government withheld from him no required facilities; and sufficient time was given him to test the practical workings of his system. It may be, that under a thorough disciplinarian, with a

well-trained, executive mind, the scheme might have proved more successful; for Capt M., like many other inventors, may have more genius for contriving than skill in managing. But of this we are ignorant.

Whilst some parts of his system—as for instance, the community of interest in gangs—are, to say the least, founded on very superficial views of human nature, merging as they do the individual in the mass, yet other portions are worthy of thoughtful examination, if not of direct commendation. The system of credit for correctness of habits is right in itself; for, although it may be argued that duty is ever to be performed simply because it is right and required by the law of God, yet every man who studies the springs of action in his own heart, well knows that encouragement in life's struggle is a wonderful helper even to correct principles.

The discontinuance of the mark system, was followed by the plan which is detailed in a dispatch from Lord Stanley, of which we copy extracts.

From Vol. 42, for 1843.

From a letter from Lord Stanley to Lieutenant-Governor Sir John Franklin, &c.

Downing-Street, Nov. 25th, 1842.

We do not, however, contemplate a state of things in which the convict suffering under the sentence of the law, should ever be excluded from the hope of amending his condition by blameless or meritorious behavior; or from the fear of enhancing the hardships of it by misconduct. On the contrary, to keep alive an invigorating hope and a salutary dread at every stage of the progress of the prisoner, from the commencement to the close of his punishment, appears to us to be an indispensable part of the discipline to which he should be subject.

[Assembly, No. 143.]

Arrived at Norfolk Island the convict will be employed at hard labor. No authority except that of the Queen herself will be competent to abridge the time of his detention there. On the other hand, the misconduct of the convict in Norfolk Island may have the effect of prolonging his detention there indefinitely, within the limits of the term of his original sentence. But although even good conduct on the part of the convict cannot abridge the duration of this part of his sentence, yet any one who by a course of blameless or meritorious behavior at Norfolk Island shall have established a claim to favorable consideration, will have the benefit of that claim in the future stages of his career. To estimate at the end of four or even two years the good or the bad conduct which a convict may have observed, through so long a period, would hardly be practicable unless some system were adopted of some daily or weekly notation of the conduct, whether meritorious or culpable, of each.

I will consider in their order each of the five stages through which a convict will have to pass, to wit:—1st. Detention at Norfolk Island. 2d. The probationary gangs. 3d. The probationary passes. 4th. Tickets of leave. 5th. Pardons.

1st. Detention at Norfolk Island will be the inevitable consequence of all sentences of transportation for life, and will also be applied to the more aggravated cases of convicts sentenced to any term not less than fifteen years. Four years will be the longest, and two years the shortest period for which any convict will be sentenced to Norfolk Island.

The convicts will be employed at hard labor. No authority but that of the Queen will be competent to abridge the time of detention here. Misconduct may have the effect of prolonging the sentence.

At present the whole convict discipline of Norfolk Island is under the charge of an officer (Capt. Maconochie) engaged in the trial of experiments suggested by himself. For reasons in no

degree incompatible with the respect due to that gentleman, it is proposed to relieve him from that charge.

2d. The second stage of punishment is that of the probationary gangs, assembled in Van Dieman's Land. These will be employed in government service, and, with rare exceptions, in the unsettled districts. No convict will pass less than one, or more than two years there, except in case of misconduct.

These gangs will be employed at hard labor, with such mitigation as may be compatible with the condition of the criminals.

3d. After a convict shall have passed through the probation gang, he will next proceed to the third stage of punishment, and become the holder of a probation pass; but no convict may enter on this stage except on two conditions. Of these, the first is the obtaining from the comptroller of convicts a certificate of general good conduct, to be drawn from the records already mentioned; and, secondly, the having fully served in the probation gang during the whole of the period for which the convict had been placed there.

The essential distinction between the third stage and those which preceded it will be that the holder of a probation pass may with the consent of the government, engage in any private service for wages, such wages to be paid and accounted for as subsequently mentioned.

The contract for private service is to be void unless made with the Governor's sanction, either previous or subsequent, and is, by the terms of it, to be terminable at the Governor's pleasure.

4th. The fourth stage through which the convict must pass before obtaining a pardon, is that of the holders of tickets of leave. The essential condition of this class is, that they possess what may be termed "a probationary and revocable pardon," valid in the colony in which it is granted, but of no avail elsewhere. No convict can obtain a ticket of leave before half of the term of the

original sentence shall have expired; in the case of persons sentenced for life, that indefinite term shall for the purpose of this computation, be counted as twenty-four years.

\* \* \* \* \*

Further, no person may be transferred from the class of probation pass holders into the class of ticket of leave holders, until he shall have held the probation pass for a term equal to the difference between half the sentence and the shortest period at which under that sentence the convict might have arrived at the stage of a probation pass holder.

\* \* \* \* \*

More briefly, it may be stated thus, namely, that one-half of the term of the sentence must be passed in one or other of the three first stages of punishment.

But supposing that by misconduct the length of the first or of second stage may have been increased, no decrease will on that account be permitted in the third stage. On the contrary, in the case supposed the whole term of punishment in the three first classes would endure for a greater period than one-half of the original sentence.

5th. The fifth and last stage which a convict can reach during the continuance of the term of his sentence, is that of a pardon, conditional or absolute. It is almost superfluous to say, that no one will be able to claim a pardon of right, but that it must in every instance be an act of pure grace and favor.

\* \* \* \* \*

We close with extracts, relating to the more recent, and more successful experiments on the task-work system.

These extracts are quite full; perhaps they may be thought by some, unnecessarily so. But we are persuaded, that those who enter on their perusal with inquiring minds, will find themselves amply rewarded.

These papers offer suggestions that should not be disregarded by those, who mould the penal legislation of our country. The experiments have been costly; but they are contributions to humanity.

From vol. 43, Parliamentary Reports, for 1849.

*Copy of a despatch from Earl Grey to Governor Sir C. A. Fitzroy.*

Downing-street, June 30th, 1848.

SIR:—I transmit to you, for your information, the copy of a letter, which I have received from the Rev. B. Naylor, covering one addressed by him, upon the subject of transportation, to the members of the legislative council.

It is so full, both of valuable general remarks and of useful suggestions, that I am bound to request you to convey my thanks to him for this communication, and at the same time to assure him, that I have had much satisfaction in perceiving that many of his views agree to a remarkable extent, with those which have been adopted and acted upon by Her Majesty's government, both in respect to the best mode of dealing with convicts, and also to the inexpediency of entirely renouncing, on behalf of the colonies, that source of a supply of labor.

I have, &c.,  
(signed,) GREY.

*Sir C. A. Fitzroy, &c., &c.*

*To the members of the Hon. the Legislative Council of New South Wales.*

Carrozar, June 1847.

Without further preface, therefore, I beg most respectfully to offer for your consideration the following suggestions:

1. I suggest that a certain number of prisoners, selected from Pentonville and Millbank, should be received for the purpose of testing the value of the scheme now proposed. In both these penitentiaries, but specially in the former, the most ingenious and praiseworthy efforts are made for the improvement of the prisoners confined there.

They all learn trades. They receive judicious instruction. They are not allowed to leave the probation, until their conduct de-

serves it. Although I cannot concur in the wisdom of many of the details, I cannot help admiring the noble effort, which has thus been made, to improve our system of prison discipline.

The same principle and mode of selection would continue to be observed in the event of the success of the experiment.

I need scarcely remind you, that there is an immense difference between prisoners; or that between the habitually abandoned and the improvident or unfortunate, there is a wide range.

2. It has been the fundamental error of all former systems, that no adequate motives for exertion have been supplied to prisoners. Prospective benefits have been set before them, but as they have been uncertain, or have depended only upon the lapse of time, they have invariably proved inoperative. The men felt they were laboring for others, and that it was their interest to husband their energies and shirk through the various periods of slavery assigned to them, as easily as they could. Is it to be wondered at? Every human being requires a present and continually recurring motive to propel him. Nothing of the kind was supplied to the prisoner. He was absolutely a slave. The highest motives that can excite responsible beings, it is not indeed in human power to supply, but we may bring to bear upon the prisoner's condition others, which, next to religious principles, are the most powerful: self-interest and self-respect, arising from a consciousness, that, irrespective of the caprices of others, a man's full restoration to forfeited rights is in his own hands, and depends on his own efforts.

3. As a remedy for all this, I propose that the exiles selected as I have described, should have the last portion of their time sentences commuted for proportionate pecuniary fines, to be gradually liquidated by their own industry, and meritorious conduct in the colony. Every man would in such a case, know determinately, and at once, what was before him. He would feel that to a certain extent he became from that moment the arbiter of his own fate. By this means, a better principle would be brought to bear upon his hopes and fears, than can ever be derived from merely arbitrary regulations as to time. No police restraint

could by possibility ensure in the same degree a guarantee for good conduct; his self-control would acquire the force of habit. With the consciousness of having struggled with success, he would return to society a better man, purified by the process through which he had passed.

4. With such motives and such a prospect before him, each man should be given on landing, a district location ticket, the simple intention of which should be the distribution of labor into the several districts, according to the demand in each. In every other respect than an inability to leave the district assigned him, he should be free to engage with employers, at any rate he could obtain. The preliminary process would be of this kind. As soon as the men are classed, registered and examined in Sidney, they might be hired by the residents of their respective districts, or by agents duly appointed by them according to a prescribed form, containing the names of the parties, the nature of the services to be performed, the period of service, and the amount of wages. It should also contain a covenant on the part of the employer to pay these wages half-yearly, in the following proportions, viz: one half to the servant, and the other half to an officer of the district officially appointed to receive it, in liquidation of the debt due to the public, on account of the commutation of the time sentence. An additional clause should bind the employer to report half-yearly to the same officer, the conduct of the servant, according to a form annexed. The employer should also be responsible for the immediate removal of the person employed to his appointed district; the expense of removal in a proper manner being advanced by the employer, and deducted from the servant's wages.

5. The moiety of wages due to the employed would serve for his own clothing and other expenses, and would be under his own control; the half amount due to the public, should form a fund for the promotion of free immigration. As certain proportions of the debt were paid, the rights of the men might be extended, first, to their employment in trades out of service; and secondly, as the last step to absolute pardon, the district ticket might be

Commutation -  
 sentences of time -  
 substituted for  
 fines - see sec. 107

exchanged for a colonial one, enabling him to choose his own district.

6. Each man should be furnished with a book, like those supplied by savings banks, containing a copy of his account with the public, signed periodically by the district officer, the employer and the employed. On the debtor's side should stand his original debt, and any subsequent fines for misconduct. On the credit side, his wages, and an amount determined from the master. Report from time to time by a board consisting of the district officers, a clergyman, and any other respectable inhabitant unconnected with such labor.

7. As soon as the whole debt is discharged, his account should be balanced, and he should be restored as a matter of right to the full enjoyment of an absolute freedom, won by a patient continuance in well doing.

I have, &c.,

T. BRAGLY NAYLOR.

*Copy of a dispatch from Lieutenant-Governor Sir W. Denison to Earl Grey.*

Van Dieman's Land, Government House, Sept. 28, 1848.

MY LORD:—

I have the honor to acknowledge the receipt of your lordship's dispatch, No. 66, dated 27th April, 1848, detailing the views of Her Majesty's government on the subject of the system of punishment to be adopted as regards offenders sentenced to transportation. Your lordship, at the close of the despatch, observes:

“ We are far from supposing that, upon this most difficult subject, after so many attempts to contrive effective methods of punishment, and, it is painful to add, so many failures, we are likely to have yet succeeded in devising a system which does not still require very great improvement. On the contrary, we are fully sensible of the need there will be of such improvements, and we shall be most anxious to receive any suggestions for effecting them, which your experience and observations may enable you to offer.”

The plan as stated in your lordship's dispatch, appears to be as follows:

All offenders who have rendered themselves liable to the punishment of transportation, are to be subject for a certain period to a system of separate confinement. After being released from this, all those, the length of whose sentences does not exceed seven years, are to be at once, or very shortly, transmitted to Van Dieman's Land, as holders of tickets-of-leave.

Others, whose sentences are of longer duration, will be retained in England, or at Gibraltar or Bermuda, and employed upon public works; a system of encouragement being held out to them by the adoption of task work. At the expiration of half the period of their sentence, they will also be sent to this colony as holders of tickets-of-leave.

This I believe to be a correct outline of the scheme as proposed by Her Majesty's government, the objects of which I assume to be: First. The punishment of offenders, not as a retribution for the offences committed, but as an example and warning to others. Second. The reformation of these offenders. Third. Their expatriation and removal to this colony, which may be looked upon partly as means of punishment, partly of reformation, but the main object of which is to get rid of men who, from their habits and connexions, may in all probability become burdensome to society in the mother-county; while in these colonies, where their labor is valuable, they will be removed from many of the temptations to offend which would meet them at every step at home, and be placed in positions to earn an honest livelihood, should they feel inclined so to do.

First, then, as to punishment:

There is no plan which has yet been devised which operates so effectually as an example, as the separate system, more especially when carried out to its full extent, not merely as a punishment for the more serious description of offences, but for all those minor breaches of the law to which imprisonment, with or without hard labor, is now awarded.

In these the example comes fully into operation; for the offender, after having undergone his two or three months' separation, goes out of prison and communicates to his fellows the nature of the punishment he has received, and its effect upon himself.

When, however, this system is brought into operation as a punishment for crimes of a deeper die, it loses some of its efficacy, inasmuch as it cannot be continued long enough to satisfy justice, and must, therefore, necessarily be conjoined with punishment of a less efficient character.

The second object contemplated is the reformation of the offender. Here, again, no system that has yet been devised can compare with the separate system for breaking down evil habits, leading a man to think upon his past life, and sowing seeds which perhaps may produce good fruit hereafter; but I am still of opinion, as I expressed to your Lordship in my dispatch No. 83, dated on the 10th July, 1847, that to return a man into the labor-gangs after he has undergone the preparatory course of moral training, is, in point of fact, to neutralize most of the good effects of the system. It would be more advisable, as far as the reformation of the prisoner is concerned, to send him immediately on his conviction, to the gangs, paying, of course, every attention to him while he is thus employed; and at the expiration of this portion of his sentence, however the duration of it may be decided, to subject him to a period of separate treatment, and after that to expatriation, than to reverse the earlier periods of his punishment by placing the imprisonment first, and the labor second.

I look forward, I confess, with very little hope to the result of the experiments which are making for the reformation of offenders.

When we call to mind the difficulties which meet us at every step, when we attempt to correct the evil habits of the boy at school—such habits, I mean, as are abhorrent to the feelings of the society in which he lives, as, for instance, lying and theft, when we recollect how very rare'y a change takes place for good, how can we expect that when the boy becomes the man,

when the evil influences which have operated upon him for years, have ingrained his vices upon him till they have become part of his nature, he will yield to reasons or influences which were so ineffective while he was young. Any attempt to induce men to amend their lives or alter their habits, by a relaxation of punishment consequent upon such a change will produce hypocrites innumerable, but scarcely one true penitent. I should strongly object, therefore, to anything which tended to diminish the terror by which punishment must act to be punishment, to any frittering away in the shape of bribes for good behavior, of the only effective check which we possess upon crime.

The separate system is effective, most effective, as a punishment, from the very dread which it inspires; it is also an efficient agent in reforming offenders. It would be wise, therefore, to adopt it and to extend its operation as much as possible; but we ought not, on the plea that an offender may have thrown off his evil habits in the cell, to let him loose upon society again as a reformed man, until he has undergone the full sentence which the law has inflicted upon him. Let the men be placed in gangs, and the full amount of labor which they are capable of performing be exacted from them by a well-managed system of *task-work*.

By this, a positive and effective punishment will be inflicted upon most of those who are likely to subject themselves to such a state of things, for it is the incorrigibly idle that are generally thieves and breakers of the law in other ways.

It will be found, I believe, on reference to the records of crime in this country, that, as a general rule, the offences which the convicts commit in this colony are similar in character to those for which they were transported. The thief still steals, the burglar remains a burglar, the man transported for offences of violence against the person still is found liable to commit the same offence here.

I have directed a return to be prepared which will show to what extent this is the case, and I forward it herewith.

The inference I should draw from this, combined with the result of my observation during the long period which has elapsed

since the subject of convict discipline and management was brought under my notice, is, that although individual instances of reformation do sometimes occur, they are exceptions, and rare exceptions, to the general rule; and that the crimes for which those who do repent and amend their lives have been transported are such as may be said to consist more of breaches of legal enactments than of those great moral laws which prevail in all countries, whatever may be the form of government or the constitution of society.

I have, &c.,

(Signed,)

W. DENISON.

The Right Hon. EARL GREY, &c., &c., &c.

*Copy of a dispatch from Lieut.-Governor Sir W. Denison, Bart, G. C. B., to Earl Grey.*

Van Dieman's Land, Gov't House, Feb. 5, 1848.

MY LORD—I have the honor to forward to your lordship the half-yearly report of the comptroller-general of convicts.

5. The first point to which I wish to call your lordship's attention, is to the mode in which the task-work system has been carried out. The returns furnished and the statements made in the report of the comptroller-general, are quite sufficient to establish the value of the plan, not only as regards the amount of labor procured from the convicts, but also as to its operation upon the conduct and discipline of the men. The results obtained at Hobart Town, with a gang of 260 men from Norfolk Island, have been extraordinary; but this may be accounted for, as the whole has been under the close and strict supervision of the comptroller-general. In the more distant stations, the results cannot, of course, be expected to be so great; but even under the most discouraging circumstances, the fruits of the system have been sufficient, both as regards the amount of work performed and the conduct of the men, to show that it is a most valuable addition to every system of secondary punishment.

6. The rules by which we have been guided in carrying the system into operation, are briefly as follows:

The men are divided, according to their capacities or physical powers, into three classes. To each individual in these classes a specific task is attached, and the amount of this has been calculated so as to allow a man by his actual hard labor to perform half as much again as is allotted to him for his daily task. The men must work the full number of hours which compose the working day of the season.

Should a man not perform his daily task he is punished; that is, he is put upon low diet, he is confined for a few days in a solitary cell; he undergoes, in fact, whatever punishment the magistrate before whom he is tried may think sufficient for the offence. Should he do more than his daily task, the surplus amount is credited to him in diminution of the period of his sentence; thus a man sentenced to three month's hard labor, may, if he chooses to exert himself, earn his release in two months. In addition to this amount of relaxation which may be considered as earned, continued good conduct is also allowed to tell in diminishing the duration of the punishment.

By this short sketch of the system, your lordship will be able to judge to what extent it is identified with Captain Maconochie's mark system. The principle may be said to be, to a certain extent, the same; but the mark system, as attempted to be carried out by Captain Maconochie, failed from the complexity of the details, and from a want of practical knowledge on the part of the author, while this, which has been in operation for many years at Bermuda, has always produced satisfactory results.

19. I will now proceed to notice some of the statements and observations contained in a letter from Captain Maconochie, dated 8th June, 1848, and transmitted to me in your lordship's dispatch No. 95, of the 24th June, 1848. The comptroller-general has commented upon such portions of this letter as he conceived required notice, and has shown that the comparison attempted to be instituted by Captain Maconochie, between the amount of crime

under two systems of convict discipline, is entirely fallacious. He has also shown that the assumption on the part of Captain Maconochie, that the men who were subject to his system of treatment, (discipline I cannot call it) have been better behaved than others who were placed on probation in Van Dieman's Land, upon a system confessedly a bad one, is not in any way borne out by facts. It appears (as might fairly have been concluded by any one acquainted with the moral condition of the class of people upon whom the experiment was tried) that the proportion of more heinous offences committed by Captain Maconochie's men far exceeds that committed by men under probation; and if it be possible to draw an inference from the amount of crime committed by the convicts now employed on the new wharf, who consist of men removed from Norfolk Island, it would appear that a comparison between the system of rewards adopted by Captain Maconochie and the mixed system of rewards and punishment now adopted, would be still more opposed to his views.

20. The greatest evil which appears to have resulted from Captain Maconochie's management of the convicts at Norfolk Island, was an increased tendency among them towards the commission of unnatural offences. The returns forwarded by the comptroller-general, shows that the men who were subject to his system of discipline, if it may be so called, have exhibited a far greater disposition towards the indulgence of these brutal appetites, than those who were placed under probation. It cannot, of course, be shown that these men, when afterwards brought to Van Dieman's Land, introduced this crime into the gangs, but the universal opinion is, that it was, if I may use the term, imported from Norfolk Island; and nothing was more likely to foster and encourage these habits of brutal self-indulgence, than the total absence of supervision and control which formed a part of Captain Maconochie's system.

21. It is needless that I should enter into any examination of the principles upon which Captain Maconochie's system is founded, having already, in former communications to your Lordship, shown that it is unsound, and that the principal object of punishment is neither to revenge society upon the offender, nor to carry

out his reformation; but to deter the many from following his example, which they might be tempted to do, did they see that crime was successful and did not meet with its appropriate punishment.

22. The only paragraphs that require notice are Nos. 7 and 8, which relate to the probation system and to Captain Maconochie's trial at Norfolk Island, and Nos. 13, 14, 15 and 16, relative to the treatment of female convicts.

In No. 7, Captain Maconochie states that the reasons which, in his opinion, caused the failure of the probation system, which are summed up in one sentence, that it was not combined with the mark system. Now, if by the mark system we are to understand the whole of the details of the system as advocated and attempted by Captain Maconochie at Norfolk Island, this would be to say, that the probation system failed because it was not carried out upon a principle entirely distinct from that upon which it was founded. If by the mark system it is meant that some mode of making labor available and of encouraging industry among the convicts should have been adopted, it is to a certain extent correct, as this would have of course modified some of the evils of the system; but no effort of the kind could have proved effectual, because the means at the disposal of the government did not admit of its being properly carried out.

23. With regard to the reasons alleged by Captain Maconochie in order to account for his notorious failure in carrying his system into practice at Norfolk Island, they are merely the excuses brought forward by every unsuccessful speculator. Two thousand men were cooped, as he says, in a nut-shell.

Norfolk Island contains 9,000 acres of beautiful soil; with proper regulations there could have been no difficulty in finding sufficient employment for the 2,000 men for some years. He complains of the state of the buildings. He had 2,000 men at his disposal to build or improve and alter to any extent; in six weeks a mere boarded hut has been made into a convenient and well-arranged establishment for 200 men, as shown by the Comptroller-General.

Captain Maconochie had more means at his disposal, but he lacked the power or ability to make use of them. He says that

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tem were at first very discouraging and aggravating to a considerable extent, by the disinclination of the officers to adopt what then appeared to them a complicated plan, which they evidently believed would augment the amount of their duties; but practice has shown that the scheme can be easily carried on, so much so that more than one of the most intelligent superintendents who opposed the plan at the commencement are now its zealous supporters. The system was also at first opposed by the convicts themselves, who having previously been worked under circumstances calculated in every way to call forth all their ingenuity to devise means by which they could evade labor, resisted, as might naturally be expected, any appeal even to their self-interests, which required them to rouse their long dormant energies.

17. From local causes, such as difference in the class of convicts, and the nature of the works on which they are employed; but above all, in the intelligence, zeal, and attention of the officers, the results have not been the same at all stations, although more extended experience daily produces a much nearer approach to uniformity, and gives good reason to hope that the whole will approximate to that which has been produced at the Old Wharf Station. In my last report I alluded to the effects which might confidently be expected from the complete and careful carrying out of the task-work system at that station; and I now have much satisfaction in reporting that my expectations have been fully realized, and practical evidence afforded, that the experiment has been eminently successful even under unfavorable circumstances, as to buildings and the place of labor; defects, however, which it is only fair to admit, have been nearly counterbalanced by the proximity of the station to head quarters, and the consequent faithful carrying out of the most minute details under the observation of the superior authorities.

19. There are four resident officers at the station, Hobart Town; a senior assistant superintendent, an assistant superintendent, an overseer, and a schoolmaster; the general supervision being intrusted to the superintendent of the prisoners' barracks, who is paid £100, per annum, by the colony, for this service.

The convicts are marched to church at the prisoners' barracks, and the chaplain of that establishment attends to their general religious instruction. Working overseers, in such numbers as the disposal of the different gangs may require, and who do not reside on the station, are provided by the colony, for the direction of the labor of the men. Three constables are also employed on this duty, and, being residents on the station, their services are made available for watching at night.

It will thus be seen, that four discipline officers, assisted in some measure by three constables, are employed in the direct management of 200 men; and daily routine, forwarded herewith, shows the general outline of the barrack duties, as well as the provision made for instruction, cleanliness, and inspection; and a reference to Return No. 6, will show, that under these arrangements, very few offences have been committed, which is the more remarkable, as the most trifling irregularity has always been brought under notice, when detected. In fact, looking at the circumstances of temptation in which these men have been placed on the wharfs and streets of a crowded town, such results as are exhibited in Return No. 6, could scarcely be expected, and are nearly altogether attributable to the influence of the task-work system, fairly, faithfully and effectively carried out. The demeanor, conduct and language of these men, at labor, at school, at church, in their dormitories, messroom, and yard, have been under my almost daily observation, and I can confidently report, that each and all were highly satisfactory, and such as never could have been brought about, except under the influence of some stimulus to industry and good conduct, like that which the task-work system has provided.

20. Return No. 7, shows the amount and value of the labor, performed by the convicts at the old wharf-station, and that, on an average, each man actually employed, during the month of December, 1848, at the rate usually paid by contract, has earned 4 s. 8 d., for every working day. This is a result never before produced in Van Dieman's Land, and, viewed in connexion with the conduct of the men, affords a practical illustration of what could be done on a much more extended scale. It remains to be



*Comptroller's report, enclosed in foregoing of the Comptroller-General.*

Old Warf Station, Hobart Town, January 3, 1849.

Sir :

1. In forwarding to you, for the information of the Comptroller-General, the accompanying "summary" of the improvement made by the prisoners in the school at this station, since its formation on the 1st of May, 1848, up to 31st of December last, together with a copy of the school regulations, I beg you will permit me, at the same time, to make a few observations on the system and course of instruction pursued.

2. The school consists of four classes : The 1st class, comprising those men who can read, write and cypher ; the 2d class, those who can read and write ; the 3d class, those who can read, but not write ; and the 4th class, those who can neither read nor write. I examine each man on his arrival at the station, place him in a class suited to his capacity, and select monitors for the instruction of the various classes from amongst the best informed men. Each class consists of about eight men, who read at the same time, and write and cypher in like manner :

The course of instruction is as follows, viz :

Mensuration and the higher branches of arithmetic, reading, writing, &c., 1st class.

2d class, reading and writing.

3d class, reading.

4th class, spelling.

3. The prisoners attend school every evening during the week, with the exception of Tuesday evening, when they are assembled in the school-room for the purpose of attending divine service, performed by the clergyman attached to the Hobart Town penitentiary ; and on Saturday evening, when they remain in their wards for the purpose of repairing their clothes, &c., on which occasion good readers are selected, who read aloud in each ward for the benefit of all.

The school hours are from six to eight p. m. The first class read half an hour, and cypher the remainder of the time. As an

instance of the interest taken by the prisoners in improving themselves, and of their appreciation of the value of education, I might mention that in this class, amongst those who are learning mensuration, I cannot easily induce any of them to become monitors, as they invariably prefer remaining in their classes, though as monitors, they would be credited with the time they are employed in the school, thereby having an opportunity of considerably shortening their period of detention: The 2d class write half an hour, and read the remainder of the time, In the 3d and 4th classes, which are spelling and beginning to read, I get each monitor to read occasionally to his class some moral and interesting book, which both improves their minds and relieves the dull monotony of continually poring over a spelling-book, the feeling of weariness consequent on which, unless varied in some such manner, often creates a strong distaste for learning.

4. A Bible and prayer-book are furnished for the use of each of the prisoners. They have also the use of an excellent library ; many of the books are of a religious and moral character, and others containing sound useful information on various subjects. These books are issued once a week to the prisoners, who are held responsible for the careful use of them.

5. I have lately introduced the catechetical system of simultaneous instruction, which you so strongly recommended, and if I might judge of its probable beneficial effect from the short trial I have had of it, I entertain very little doubt of its success. The subjects I have brought before the men are astronomy, history, geography, &c.

The following is a sketch of the system : After the men have been individually instructed for about three-fourths of the period of attendance, the school books are all collected, and the prisoners sit with their faces turned towards a large map or diagram of the subject to be illustrated, placed at one end of the room, in such a manner, as to be distinctly seen by all. The subject under consideration, I endeavor to simplify, so as to bring it within the comprehension of the most uninformed amongst them. I then catechise, get all to answer together, and do not abandon

one part of my subject, until I am pretty well convinced by their answers, that they all thoroughly understand it. By this exercise their minds being kept continually alive, they become completely absorbed by the subject, and it is really very encouraging to observe the marked attention they pay, and the eagerness with which every particle of information is seized. I need scarcely say, what a fund of general information can, by this means, be imparted in a short time to a large body of men. I also keep a monthly register of the improvement made by each man during the month.

6. The improvement made by the prisoners under this system, is, (as you will perceive on reference to the summary,) very trifling. I have had considerable experience in the education of youth, and in no instance have I met with a similar general proficiency. On the summary (as it speaks for itself,) I will remark no further, than that out of 324 prisoners received into the school at this station, from 1st May, 1848 up to 31st December last, (140 of whom could read scarcely or not at all,) there are now only 27 who cannot read a Testament tolerably; 18 of which number have been received within the last month.

The writing and cyphering classes will shew a still greater improvement. Though the attendance of the prisoners at school is voluntary, yet, within a period of eight months, there have been only a few instances of refusal to do so, and those men have since attended regularly. I think this fact of itself speaks strongly of the interest they take in education. I must here testify to the remarkable good conduct of the prisoners, whilst at school.

7. On sabbath evenings the prisoners are confined exclusively to scripture reading, during school hours, and the knowledge they have acquired on the all important subject of religion, is, indeed, very considerable. Their ideas of the grand and fundamental doctrines of Christianity, are, generally speaking, very correct. And if their present uniform good conduct, coupled with their often expressed determination to become better men and better Christians, their sorrow for the past, and the anxiety they evince to recover that position in society, which they forfeited by their

misdeeds, be looked upon as evidence of a moral reformation, I think we may fairly indulge the hope, that such a reformation has been effected.

8. In conclusion I beg to state, I have observed that, on all occasions the prisoners have been treated by their officers with uniform kindness, but at the same time with firmness; and that the men appear very contented, and satisfied with the treatment they have received at the station.

9. With many thanks for the able and ready assistance you have at all times afforded me in the discharge of my duties,

I have, &c.,  
(signed,) W. GRAHAM,

*Schoolmaster.*

J. BOYD, Esq., *Superintendent,*  
*Prisoners' Barracks, Hobart Town.*

Accompanying Comptroller-General's report of January 10, 1849.

*Report on the operation of task-work in the gangs on the main line of road.*

Sir:

December 30, 1848.

1. To your memorandum of date the 12th instant, requiring information as to the operation of task-work, I have the honor to reply.

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8. The effects of the introduction of task-work on discipline have been highly beneficial, and it is only in the very worst of characters that these effects may not be individually observed.

9. Hitherto remission of sentence was occasionally earned by general good conduct, to the extent only of one-third of the entire period; but these instances were comparatively rare, and were also made contingent on the prisoner's previous career. The incentive now held out admits of his acquiring more than one-third; and, in any case, of some remission irrespective of his past conduct.

10. Perhaps one of the greatest desiderata resulting from the operation of the system is, the wholesome and buoyant stimulus

which is substituted for that apathy with which the prisoner formerly regarded the mere efflux of time, as the only medium by which his deliverance from punishment would be obtained; unflinced, unaccelerated by conduct of his own, save in the rare instances above adverted to.

11. The assiduity with which they now set themselves to acquire, by increased exertions, a partial remission of their sentences, and the interest with which they regard and calculate the accumulation gains, occupy a large share of their thoughts. It also indisposes them to that dogged evasion or resistance of discipline, which, under no such stimulus, and with a frame of mind in which a sense of punishment and coercion were too often uppermost, generally prevailed.

12. Offences, in the aggregate, have certainly become less frequent, and it must be conceded, that a considerable number of these are referable to the operation of task-work. Under the old system, it was no difficult matter for a thoroughly idle man, by varied subterfuges, to evade punishment or even detection; and the absence of a recognised general scale of work sometimes enabled him to escape conviction, when the offence was amply proved. A man of this description will now have repeated charges of the kind brought against him, and thus swell the numerical list of offences, whilst the general conduct of the gang may have been good.

13. As tending to the general improvement of discipline, I note with pleasure that the influence of the superintendent is increased. In reference to "billets," the holders of these situations hitherto enjoyed only the little privileges and exemptions from hard labor which the billet itself implied. It is now in the superintendent's power not only to prefer deserving men to these petty offices, but permitting their assiduous discharge of the duties attached thereto, to be rated at a certain daily acquisition of time, to award the same in virtue of remission of their sentence.

I have, &c.,

(Signed), WM. DAWSON, Road Surveyor.

THE COMPTROLLER-GENERAL, &c., &c., &c.

*Accompanying Comptroller-General's report of Jan. 10, 1849.*

Old Wharf Probation Station, Hobart Town, January 4, 1849.

Sir:

1. I have the honor to forward the accompanying report of the school-master at this station, together with plans, returns, and other documents describing the situation, internal arrangements, conduct of the prisoners, amount and estimate value of their labor, and a daily routine of the duties performed.

2. These documents will, I conceive, be sufficient to illustrate the system of discipline and general management pursued, and I beg leave to add the following remarks upon the scheme of task-work now in operation:

3. These observations may be considered under three heads, viz:

4. First. As to the extent which the task-work system has contributed to implant industrious habits amongst the convicts.

5. Second. How it has acted upon the conduct of the prisoners.

6. Third. As to the effect task-work has produced upon the discipline of the establishment generally.

7. First. How far the system has contributed to implant industrious habits amongst the convicts. In entering upon this subject, it seems to me desirable to describe briefly what has been the usual manner of working the convicts previous to the introduction of the task-work system, and in what degree that course proved successful, both with reference to industry and the general behavior of the men.

8. The prisoners upon being placed at labor, had either a definite amount allotted to them as their task for the day, or were subjected to a coercive supervision for enforcing the performance of their work.

9. The first of these methods secured, of course, a certain amount of work, which, however, was generally badly executed,

from the hurry and impatience displayed by the men, to complete their tasks, after which they are permitted to rest until the evening. These tasks were usually finished at an early hour in the afternoon, and the remaining portion of the day was spent in idleness. Consequently the arrangement engendered restless and impatient habits, when at work, and indolence afterwards; but, perhaps the greatest evil inherent to it, was, that constant opportunities were then afforded the convicts of congregating together in idleness, during which the ill disposed were enabled to indulge in vicious conversation and practices, to the serious injury and deterioration of the better portion of their companions.

10. In the latter or coercive mode the utmost vigilance of the overseers was absolutely necessary, to prevent positive idleness, for the convicts made it their study to evade, as much as possible, the performance of labor; and were ever on the alert to take advantage of the overseer's absence, or diverted attention, hence the overseers were obliged to report large numbers of them for idleness, and many other offences induced thereby.

11. The result of such a course is strikingly manifest among a large majority of the old class of prisoners; habits of idleness, eye service, and deception were contracted, which frequently became deeply rooted, and rendered numbers of them idle, inefficient and discontented servants afterwards, preferring to remain at the hiring depots, rather than continue in private service. Numerous instances, exemplifying the correctness of these facts, have come within my personal knowledge, or have been communicated from sources, which I could not doubt; but, however such a state of things might be deplored, yet it could scarcely be wondered at, for the industriously disposed men had no inducement whatever to work, as they gained nothing, except the taunts and abuse of their fellow prisoners, for any exertions which they might exhibit.

12. It will be seen from the foregoing remarks, that the prisoners had no motive, whatever, to stimulate industry or the improvement of their minds; and it is with this important fact, that the principle of the present system of task-work is so strongly and beneficially contrasted.

13. I will therefore now proceed to give a short description of that system, as carried out at this station, and will take leave to remark upon the various heads of the subject proposed.

14. The convicts upon their arrival at the station, are informed of the scheme of labor, which is in operation, and of the various regulations in force, for their general conduct and treatment. It is also fully explained to them, that they will be enabled, by a course of uniformly good behavior and continued industry, to diminish the period of their detention in the probation gang; their extra labor being credited to them in the reduction of time.

15. With a view to the improvement of their minds, the prisoners are informed, that a voluntary evening school is established, which they are advised to attend, and those who are unable to read are warned that, until they can do so, the government will not permit them to enter the second or passholder-stage of probation; therefore, with these points of information before them, the convicts enter upon their career of discipline, labor, and instruction.

16. Such of the prisoners as are unacquainted with the description of labor at which they are placed, have a reduced amount of task allotted at first for their performance, but upon attaining a sufficient degree of skill at their work they are placed upon the maximum scale, and in order that they may be satisfied as to the correctness of the account taken of the work, they are caused to be present when such is ascertained by their overseers, and thus have an opportunity of making any complaint upon the subject which they may think necessary.

17. This rule is essential to the satisfactory working of the system as it prevents discontent amongst the men, and inspires them with confidence from the assurance that they will derive the full benefit of their exertions.

18. The prisoners are never permitted to remain idle upon the works during any part of the prescribed hours of labor, and from the continuous toil so imposed the convicts have become accustomed to complete their present tasks without causing greater physical prostration than was experienced at the first. The habits

thus acquired for sustaining hard labor for a lengthened period, must doubtless render these men valuable servants to the colonists, and, at the same time, there may also be encouraged a strong and reasonable anticipation that the convicts will retain those industrial habits which cannot fail to secure for them that continued employment in private service which many of the other prisoners too often forfeit from the restless and indolent habits previously contracted.

19. In this manner, the time of the convict passes fully employed. At the end of each month, the whole are assembled, and have the amount of their credit communicated to them publicly, by the superintendent.

The following form will afford an idea of the way in which the prisoners' task-work accounts are kept :

Police No — ; A. B.; Ship "John Colvin." Period of probation—Ordered days. Folio 1.

| Days of the Month.                      | From 1st to 31st. | Amount to be credited monthly. |                    |                       | Period of probation remaining unexpired at the end of each month. | Remarks. |
|-----------------------------------------|-------------------|--------------------------------|--------------------|-----------------------|-------------------------------------------------------------------|----------|
|                                         |                   | For extra work.                | For lapse of time. | Total monthly credit. |                                                                   |          |
| Reference number to employment, .....   | .....             | .....                          | .....              | .....                 | .....                                                             | .....    |
| Amount of labor performed, .....        | .....             | .....                          | .....              | .....                 | .....                                                             | .....    |
| Am't of task-work credited daily, ..... | .....             | .....                          | .....              | .....                 | .....                                                             | .....    |

20. At the commencement of the system, a scale for the several descriptions of labor was prepared from information given by practical persons, as to the amount which might be expected from the convicts as an ordinary day's work, an allowance being made to enable them to perform half as much more for themselves as the quantity required for the public ; the credit for this extra work, as will be perceived, forms the motive power upon which the effective operation of the whole scheme depends, and

is virtually the remunerative payment which the convicts receive for their extra labor.

21. It has, however, been found necessary, from practical experience, to alter from time to time the original scales considerably, for as the extent of the prisoners' capability to labor gradually developed itself, the great object of the system would have been frustrated unless the powers of toil thus called forth were kept in full activity. The amount of labor performed during the last month, has therefore been upon an average, 62 per cent. greater than when the station was first opened upon such practical observations. A tolerably correct estimate has been arrived at as to the extent of labor of which the convicts are capable ; and this will be a matter of the greatest importance in all subsequent task-work operations which may be commenced.

22. It is the opinion of many highly respectable and practical persons that the men at this station have performed a greater amount of labor than was ever executed in this colony by persons of their class in an equal space of time ; the overseers superintending the work, most of whom have for years been employed in charge of road and other labor gangs, concur in this statement, and have repeatedly mentioned that they had no trouble with the prisoners in the accomplishment of their work.

23. Supervision has, therefore, to a great extent, been rendered unnecessary, and that continual urging and driving on, so prevalent in former times in securing even a moderate amount of work, has, I am happy to state, been unknown at the Old Wharf station.

24. With reference to the second point of these observations, viz., how the task-work system has acted upon the conduct of the prisoners ?

25. Situated as the establishment is, in a crowded part of the town, with a public stand for carts and drays close to the gate ; and when it is considered that many of the localities at which the convicts are employed, and the approaches thereto, are the public wharfs,—it must be obvious, that the convicts have been exposed to many temptations, few of which are seldom found at other probationary establishments.

pages 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000



26. The amount of crime, as will be seen by the accompanying return, has been unusually small, and the offences generally of a trifling nature.

27. A further trial of the scheme, will, I feel assured, show a considerable diminution in the number of offences; for, as the arrangements become more complete, and the extent of the credit for extra work accumulates, it may very reasonably be supposed, that fewer temptations will be permitted to assail the convicts, and that they place a proportionate value upon the fruits of their industry, which must necessarily influence their general conduct.

28. It therefore seems a warrantable conclusion, that the task-work system has exercised a considerable amount of influence and moral control over the conduct of the prisoners, for I feel confident, that, had they been employed under the old labor arrangements, a very large amount of crime would have been recorded against them.

29. It is a remarkable fact, that there has not been a single man brought before the visiting magistrate, for idleness, during the whole period, that the station has been opened; and that very few complaints have been made to myself for inattention at work, or indeed any other irregularities. It has likewise been most gratifying to witness the anxiety of the convicts, to avoid anything likely to involve them in disgrace, as well as their general cheerful compliance with the regulations of the establishment.

30. With regard to the effect, produced by the operation of the scheme, upon the discipline of the station, generally, I feel justified in stating, that it would scarcely be possible to find a body of 200 men, associated within the small compass of  $\frac{3}{4}$  of a rood, the propriety of whose conduct has exceeded that of these men. Their demeanor, upon all occasions, has been most respectful; their appearance, at muster, and when proceeding to and from labor, has been remarkably clean, regular and orderly; and their general good behavior in the mess-room, the yards, and especially in their dormitories, has been no less conspicuous. It has also been pleasing to observe their marked attention during divine service and at school. With reference to the latter, although a

voluntary one, the whole of the men, with a very few exceptions, (as will be seen from the schoolmaster's report), have been regular in their attendance, and the progress they have made in their studies, has been very satisfactory.

31. I cannot here omit adverting to the practice of reading aloud in the wards, instructive and entertaining books, on Saturday evenings and other occasions, when the school classes do not assemble; and as the men generally at these times devote their leisure to a thorough repair of their clothing, simultaneously with the reading. I have seldom witnessed a more interesting scene, than is presented in the dormitories, where all seem busily employed in putting their dress in order, at the same time paying the utmost attention to the reader.

32. It may not be irrelevant to include in these observations, some notice of the operation of the regulation, permitting the use of tobacco among the convicts. This arrangement consists of allowing men, who are desirous of using tobacco, to procure a moderate quantity daily, by relinquishing an equivalent portion of their flour ration. There can be no doubt, that this salutary provision has contributed very materially to the prevention of much punishment, arising from that petty traffic, which, in former times, was so extensively prevalent in the convict gangs; and it has also accustomed those who have availed themselves of its advantages, to regard the voluntary sacrifice of a portion of their ordinary food, as an honest and straightforward means of obtaining the coveted luxury.

33. It may not be without interest to mention in what way the prisoners generally regard the arrangements connected with their labor, and upon this point I have gained considerable information from their own letters passing through my hand to their relatives. There has been scarcely one of these communications which has not contained some interesting allusion to the task-work system, describing it as a boon which enables the convicts by their personal exertions and good conduct, to calculate upon emerging from gang labor in a much shorter period than they had at first contemplated.

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34. I may state that I have for several years been engaged in the treatment of prisoners under various forms of discipline, including the most approved systems at home, the probation system at Darlington Station, Maria Island, and the Male Penitentiary, Hobart Town, and during which service I have devoted much attention to the consideration of penal discipline generally. I therefore trust it will not be supposed that I have arrived at the conclusions expressed in this letter without having had a considerable share of practical experience to direct my inquiries upon the subject.

35. With a great degree of interest I have narrowly watched the working of the task-work system, and the more I have witnessed its effects and influences, the stronger has been my conviction of the beneficial results derivable from its application as a leading feature of convict management.

36. The principles of the scheme operate most powerfully upon the actions and impulses of the convicts, inducing feelings of contentment, self-respect and good habits. The reward of the prisoner's toil forms the incentive which stimulates him to virtue and industry; it leads him to cherish hope in looking forward with confidence to the termination of his probationary labor, when he anticipates regaining a portion of that freedom and its attendant comforts which, by his offences against society, he had forfeited.

37. In conclusion, it affords me great pleasure to bear testimony to the valuable assistance I have received from the several officers of the station in carrying into effect the instructions which you have, from time to time, issued for the discipline, labor and instruction of the convicts, and I am sure that much of that success which has attended their training, is to be attributed to the faithful manner in which the officers have discharged the important duties devolving upon them in their several capacities.

I have, &c,

(Signed),

J. BOYD, *Superintendent.*

J. S. HAMPTON, Esq., *Comptroller-General, &c., &c., &c.*

*Accompanying Comptroller-General's Report of January 10, 1848.*

Spring-Hill Station, December 19, 1848.

Str :

1. In compliance with instructions received, to report as to the operation of task-work at the station under my charge, I beg to state:

2. *First.* As to the amount of work performed by the men. Under the amount performed, in comparison with what was done under the old system, is fully as  $1\frac{1}{2}$  to 1, and in many cases twice as much. The amount of task-work performed is  $1\frac{1}{4}$ ,  $1\frac{3}{4}$ ,  $1\frac{1}{2}$  and  $1\frac{1}{4}$  days' work daily. The amount of extra work performed by the whole, will average from  $\frac{1}{3}$  to  $\frac{1}{2}$  day's work daily per man. The smallest proportion only perform  $1\frac{1}{2}$  and  $1\frac{1}{4}$  days' work; and there are always some who never exceed their task, and many who will not even perform their task until they are repeatedly brought up for it.

3. *Second.* As to the effect of the system on discipline. Upon the whole, and in the great majority of cases it has the very best effect on many bad characters who have no aversion to labor, as their time is fully occupied and their discharge from a sentenced party is of such easy attainment, it has the effect which, I presume, was contemplated in its introduction, and they complete their sentence without a single breach of discipline. It has the same effect in the case of all ticket-of-leave holders, and the majority of all other comparatively well-disposed men. I find that in all cases where they are disposed to benefit by task-work, the power to give the workmen credit for their extra work, and the billeted men credit for good conduct and attention to their duties, is like so much money at my disposal, and operates in the same manner.

4. *Third.* Whether offences have increased or diminished since the system has been in operation.

5. Offences of all kinds have diminished very much, except absconding, refusing to work, and non-performance of task-work; the increase of the two former within the last two months has, to

some extent, been owing to an extraneous influence, and also to a desire to be removed to other stations; which desire has been very generally gratified, when they are tried for absconding or insubordinate conduct. The last named offence (non-performance of task-work) arises from the introduction of task-work; and the number of offences are greater than the number of persons tried, as the same persons are repeatedly brought up, until the absconders (if they are returned) and the refractory are subdued, and until the indolent see the necessity of exerting themselves.

6. I would beg leave respectfully to state, that were all absconders, and men guilty of insubordinate conduct returned to the station, these offences would very soon cease, as both are resorted to in order that they may be removed.

I have, &c.,

(Signed)

J. GRANT, *Superintendent.*

The COMPTROLLER-GENERAL, &c.

*Accompanying Comptroller-General's Report of January 10, 1849.*

Cascades Station, December 20, 1848.

SIR :

1. Referring to your memorandum of the 12th inst., requesting me to furnish a "Return of the operation of task-work at this station," in reply, I have the honor to state, first, as to the amount of work performed by the men.

2. The gang, generally speaking, complete the tasks laid down in the scale, and gain besides on an average one-quarter day; but owing to the divided and detached way numbers of the men are obliged to be employed here, and frequently on the same day, such as carting timber, loading vessels, &c., the greatest attention and discrimination possible is necessary in regulating the tasks; but where the work is all of the same description, there is little difficulty in carrying it out and rendering it of the utmost service possible, both to the men and government, as has been fully proved at the making of the railroad, now complete, at this station. The average time gained here by men last month, throughout the whole gang, was seven days.

3. *Second.* As to the effect of the system on discipline. I consider it to have a very good effect on the discipline and conduct of the gang, inasmuch as the men are anxious to avail themselves of such indulgence, and to work out their sentences in as little time as possible.

4. *Third.* Whether offences have increased or diminished since the system commenced.

5. Task-work has only been in operation here since I took charge of the station; but, on the whole, I consider offences are on the decrease, and am of opinion that if attention only is paid to allot the tasks properly, and where competent overseers can be had to work out the scale, I consider it one of the best regulations ever adopted for stimulating the men to be orderly and industrious.

I have, &c.,

(Signed,)

ROBERT BALLANTINE,

*Superintendent.*

The COMPTROLLER-GENERAL, &c., &c.

*Accompanying Comptroller-General's Report of January 10, 1849.*

Salt Water River, December 19, 1848.

SIR :

1. In compliance with your memorandum of the 12th December, 1848, respecting a return required to be furnished as to the operation of the task-work system on this station, I beg to state, with respect to the first point on which I am requested to report, that,

2. The men perform the task laid down in the scale received from the Comptroller-General's office, and a number of them gain from a quarter to a half a day extra.

3. With respect to the second point, as to the effect of the system on discipline, I would observe, that the men are well-behaved, and the majority of them are very anxious to avail themselves of the opportunity afforded them of gaining time by task-work; but the task-work scheme could be much better carried out, and with more satisfaction, if overseers in charge of men employed at task-

work were competent judges of what a fair task really is: the men would work better, be more satisfied, and discipline could be much better maintained.

4. With respect to the third point, as to whether offences have increased or diminished since the commencement of task-work, I would, lastly, observe, that offences have diminished considerably, as is shown by the accompanying returns.

5. *Return showing the number of convicts sentenced during eleven months prior to the task-work system coming into force.*

|                                    |     |
|------------------------------------|-----|
| Hard labor in chains, .....        | 59  |
| Hard labor out of chains, .....    | 61  |
| Solitary confinement, .....        | 96  |
| Flogged, .....                     | 14  |
| Solitary, by superintendent, ..... | 147 |
| Total number sentenced, .....      | 377 |

6. *Return showing the number of men sentenced during eleven months after the task-work system came into force.*

|                                    |     |
|------------------------------------|-----|
| Hard labor in chains, .....        | 27  |
| Hard labor out of chains, .....    | 52  |
| Solitary confinement, .....        | 58  |
| Flogged, .....                     | 1   |
| Solitary, by superintendent, ..... | 96  |
| Total number sentenced, .....      | 234 |

(Signed) A. T. STEWART, *Sup't.*

The COMPTROLLER GENERAL, &c., &c.

*Accompanying Comptroller-General's Report, of January 10, 1849.*

Long Point, Maria Island, December 20, 1848.

SIR:

1. In reference to your inquiry as to the operation of task-work at this place, I have the honor to report:

2. The amount of work obtained is at least one-third more than when the men labored the regular government hours without

being tasked; so much difficulty existed at one time, when it was prohibited, that the overseers used to evade orders, or very little was done. Under the task system, the men labor diligently and execute their work much better than formerly.

3. The system upon discipline is very beneficial; the men give much less trouble; they are more industrious, and the effect of shortening their punishment is a great stimulant to good conduct

4. I consider offences have naturally diminished in every way under the system. Men are rarely now brought up for idleness, and they are much more cautious in committing themselves.

I have, &c.,

(Signed,)

WILLIAM LAVENDER, *Sup't.*

The COMPTROLLER-GENERAL, &c., &c.

Darlington, Maria Island, Dec. 15, 1848.

SIR:

1. In compliance with your memorandum of the 12th instant, instructing me to furnish a return as to the operation of task-work at this station,

2. I have the honor to report, firstly, as to the amount of work performed by the men.

3. I find on reference to the books, together with my immediate observations, there has been a most decided improvement since my last report, May 19, 1848, the third of the whole party having performed  $1\frac{1}{2}$  days' work every working day; the one-half  $1\frac{1}{4}$  days' work, and the remainder, always something, more or less, over their tasks, at the same time doing their work well and cheerfully.

4. Secondly.—The effect of the system of task-work on discipline is highly satisfactory, and consequently,

5. Thirdly.—Offences have diminished no less than fifty per cent. since my last report.

I have, &c.,

(Signed,)

T. LAPHAM, *Superintendent*

The COMPTROLLER-GENERAL, &c., &c.

*Accompanying Comptroller-General's report of January 10, 1848.*

Glenorothy Road Station, January 4, 1848.

SIR:

1. Agreeably to your instructions, I have the honor to furnish you with the accompanying return, showing the amount of road labor performed by the convicts at this station during the period of eight months, commencing on the 1st day of May, 1848, and ending on the 31st ultimo.

2. In my report bearing date the 20th May, 1848, referring to the operations of task-work at this station, I had occasion to remark to you the very manifest and beneficial change which had taken place amongst the men under my superintendance since the commencement of that system, and I have now the gratification to add that the additional experience of the last eight months has fully and satisfactorily realized the very favorable result which, in my last report, I so confidently anticipated.

3. The convicts, with an occasional solitary exception, have continued industrious while at work, and at all times orderly and obedient; and although I have been most particular in causing every man to be punished who failed in performing his task as required by the scale, but four cases of idleness have been brought under the notice of the visiting magistrate during the last eight months.

4. With reference to the increase or diminution of offences under the present mode of working the convicts, the result is pleasing and satisfactory in the highest degree. In order to furnish you with every possible information on this important subject, I beg respectfully to attach to this report a return showing the description and number of offences inquired into at this station during the eight months ending the 31st December, 1848, compared with a similar return for the preceding eight months.

5. By this return you will perceive, sir, not only that the number of offences committed during the same period of time has decreased from 152 to 75, but that there has been a very material difference in the nature of them, as scarcely one of those inquired into during the last eight months can, properly speaking, be de-

signated as an immoral offence, while, at the same time, the average daily strength of the station has considerably increased.

6. The scale of task-work which I received from you is well adapted to the capacities of the several classes of convicts, and I am not aware of any suggestion that I could make which would serve to render it more suitable. In accordance with this scale, the convict must use much more than ordinary exertion to earn an extra daily credit of half a day, and there have been but few who have gained more than an average extra credit of ten days in the course of a month.

7. I forward herewith a copy of a man's labor for the month of October, 1848, which will enable you to form a tolerably correct estimate of the amount of extra credit that an industrious well-behaved man is enabled to earn at this station. As to that portion of the gang who are employed at occupations which cannot be computed according to any scale, I have been careful narrowly to observe their general behavior, as well as the manner in which they perform their allotted duties, and these personal observations have alone guided me in allowing them any extra credit.

8. In cases where men have proved themselves unusually obedient and industrious, I have sometimes allowed them a half day's extra credit every day, but such instances occur chiefly amongst the watchmen, servants and others, who are selected from the rest of the gang on account of their general good conduct.

I have, &c,

RICH. H. WILLIS.

The COMPTROLLER-GENERAL, &c., &c., &c.

TREASURER'S REPORT.

*The Prison Association of New-York in account with their Treasurer.*

|                                                                                                                                                                                                                                                                                      |          |                   |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|-------------------|
| 1853.                                                                                                                                                                                                                                                                                |          | Dr.               |
| Dec. 31. Cash disbursed by order of committee, as per bills on file, including relief to discharged convicts, salaries of agent and clerk, and of office rent in Centre-street, and also the rent of "The Home," and a portion of the other expenses of the female department, ..... |          | \$3,138 91        |
|                                                                                                                                                                                                                                                                                      |          | <u>\$3,138 91</u> |
| June 10. Balance on hand, .....                                                                                                                                                                                                                                                      |          | Cr. \$49 67       |
| Subscriptions and donations in 1853:                                                                                                                                                                                                                                                 |          |                   |
| Through the treasurer, .....                                                                                                                                                                                                                                                         | \$31 00  |                   |
| Collections by Mr. G. P. Martin, .....                                                                                                                                                                                                                                               | 200 00   |                   |
| by Mr. B. Van Keuren, ....                                                                                                                                                                                                                                                           | 2,226 25 |                   |
|                                                                                                                                                                                                                                                                                      |          | 2,457 25          |
| Deposit withdrawn from savings bank, .....                                                                                                                                                                                                                                           |          | 574 15            |
| Dec. 31. Balance to new account, .....                                                                                                                                                                                                                                               |          | 57 84             |
|                                                                                                                                                                                                                                                                                      |          | <u>\$3,138 91</u> |

WM. C. GILMAN, *Treasurer.*

APPENDIX No. 2.

REPORT.

The undersigned, by an order from Hon. J. W. Edmonds, Justice of Supreme Court, and in compliance with the following resolution, adopted by the Executive Committee of the Prison Association of New-York, Sept. 26th, 1853, to wit:

*Resolved,* That James H. Titus be a committee to examine and inspect the Clinton, Franklin, and St. Lawrence County Prisons; such inspection to be completed on or before December 1st, 1853.

REPORTS:

That he visited and inspected the prison of Franklin County on the 23d day of November. It is a new building, situated in the village of Malone, 36 feet front, by 50 feet in depth, constructed of superior sandstone, in fine architectural proportion, two stories high, with a cellar under the front half, and with a prison yard attached; the front parts of the 1st and 2d stories are appropriated to the accommodation of the sheriff, who acts as jailor.

The back part of the first floor contains six cells, opening into a hall of commodious width, running across the building, having windows at each end, and affording ventilation from east to west. The cells are 8 feet by 5 in dimensions, ceilings high, but with no means for ventilation excepting through the grating of the doors in connection with the hall. It is to be regretted that proper facilities for ventilation from the cells with the open air had not been provided in the plan of the building.

The back part of the 2d story is divided by a hall running lengthway of the building, having two large rooms on each side,

safely constructed for the detention of prisoners; each of these rooms contains a good-sized window, sufficient to afford ordinary ventilation.

The privilege of the halls as respectively attached to the cells and rooms, is allowed the prisoners during the day and the early part of the evening, unless when forfeited by refractory conduct. Lights are allowed until 9 o'clock at night, when the prisoners are locked into their cells.

The personal comfort of the prisoners appeared to be properly regarded by their keeper; their under clothes are changed and washed weekly, meals supplied from the kitchen of the sheriff, and are, in character, the same as that of his family in all necessary articles. Bibles and other books of a moral nature are supplied, with proper facilities for reading and writing. The prisoners are allowed visits from their friends in the presence of the sheriff, who appears to be a careful and humane officer. He, James C. Drake, Esq., has been in charge of the prison for two years, during which time no death nor serious sickness has occurred.

Your committee discovered no ground of complaint in the domestic arrangements of the prison, except that the night tubs were not daily emptied and cleansed. This delinquency was specially noted, and a promise obtained that in future, attention should be daily given to that matter.

Eight has been the highest number of prisoners in detention at any one time during the past year; four is about the average number through the year. There were but three persons in confinement at the time of the visit.

One, an Irishman, 40 years old, of Roman Catholic faith, unable to read, and under short commitment for drunkenness and assault on his wife.

The other two are natives of the county, both under 21 years of age, of Protestant faith, possess good common school education, have respectable parents living in the county, with whom they

have mostly resided until the day of their arrest in June last, on the charge of murder, for which crime they were indicted, and are now waiting trial at the next session of the court.

The location of the building is high, airy, and very healthy. Dr. Skinner, residing in the village, is the prison physician, under appointment and salary from the county, and gives all necessary attention.

The Franklin county prison building, in structure and style, with moderate increase of dimensions, and with some modifications of interior arrangements, would be a good model for our county prisons generally. The citizens of that county deserve much credit for their enterprise and taste, in the erection of such a handsome and appropriate building.

#### ST. LAWRENCE COUNTY PRISON.

Your committee was prevented from visiting the prison of St. Lawrence County, before the 1st of December, as required by the resolution of this Board, and by the order of the court. He visited it on the 8th inst., at which time he found the grand jury of the county in session, having under consideration the condition of the prison building. He inspected it, in company with the foreman of the grand jury, and was forcibly impressed by its insufficient and improper arrangements. He was invited to appear before that body and to state his views on the subject, then before them; which invitation was gladly accepted, and a free expression of opinion was made. On the same day the grand jury made the following presentment to the court.

Grand Jury Room, Canton, Dec. 8, 1853.

To Hon. EDWIN DODGE,

County Judge:

The undersigned, grand jury in session at the present county court, respectfully report:

That we have examined the county jail and premises. We find the jail in clean and healthy condition, with eleven prisoners confined in it. The prisoners appear to be well cared for, and make no com-

plaints of ill treatment. Yet we think they are crowded into too small a space, with all the accommodation the present jail affords, and would respectfully recommend, that a larger and more suitable building should be erected for the county jail.

From its frontier location, St. Lawrence County will always have a large number of persons confined for criminal offences.

Since the present jail was constructed, the population of the county has nearly trebled, and the public improvements and other causes have added largely to the criminal prosecutions in the county.

If the present jailor's house and prison was appropriated solely to persons imprisoned for petty misdemeanors, and debtors, it would be sufficient for that purpose. But it is not, as it now is, capable to comply with legal requirements for proper separation of prisoners, charged with higher crimes, from those committed for debt, or lighter offences, and, when crowded, as it is now, has not the space required for the health of the prisoners.

As it is due to the present Sheriff, Reuben Nott, Esq., to state, that he acts himself as jailor, and that we highly commend his attention to the unfortunate men in his custody, and that he discharges his duty in a manner very satisfactory, considering the limited room furnished him.

We come unanimously to the conclusion, that it is our duty to report to your honorable court, that a larger and more convenient jail is required.

The county grounds are amply sufficient for erection of a new building, adjoining the present prison yard, which may be a much safer place of custody for prisoners committed for, or convicted of felony, than the present prison.

Other counties are erecting new and commodious county prisons, in accordance with general public feeling,

The county of Franklin, with less than one third the population of St. Lawrence County, has recently erected a new jail of larger accommodation than ours.

The committee of the New-York Prison Association have today visited our jail, and we are obliged to admit, that their strictures upon its insufficiency, are well grounded.

We recommend, that a new and improved jail building be erected, and ask your honorable court, to make this expression to the next board of supervisors of St. Lawrence County.

MARTIN THATCHER, *Foreman.*

ALLEN CHANEY, *Clerk.*

SMITH STILWELL, JR.,

CARR FORTUNE,

HARVEY HAYS,

HARVEY KNOX,

NATHANIEL F. BEALS,

ALFRED HARDEN,

PETER MCGREGOR,

ERVIN JONES,

JAMES P. CUMMINGS,

DENNISON G. WILMARTH,

JOHN DOUGLAS,

DAVID HANNA,

GILBERT WAIT,

LESTER K. HILL,

RALPH C. PERKINS,

HIRY DERBY,

of Ogdensburgh.

"Lawrence.

"Potsdam.

"Canton.

"Madrid.

"Oswegatchie.

"Morristown.

"Potsdam.

"Canton.

"Potsdam.

"Lisbon.

"Lisbon.

"Rossie.

"Russell.

"Parishville.

"Russell.

At the time of the visit, ten persons were found confined in the prison, four men and six women. Of the women, four were foreigners, two native citizens; five of the entire number are unable to read and write; four were committed for drunkenness and disorderly conduct; all of middle age; under sentence of 30 days imprisonment. One of middle age, sentenced for 30 days for assault and battery, and one, an old woman, detained for trial on charge of breach of the excise law.

Of the men, three are foreigners, all can read, all of middle age. Three of the number committed for trial on the charge of forgery and one for obtaining goods under false pretences. The average number in confinement through the year was estimated at eight.



The domestic affairs of the prison were found in good condition ; the food, in quantity and quality, fully equal to the requirements of the statute. The prisoners' under-clothes are changed and washed weekly, and the bedding property attended to ; great exactness observed with reference to the privy arrangements and the night tubs.

There is no physician appointed by the county ; when medicine is required it is procured by the sheriff.

Bibles and other proper books are furnished, with proper facilities for reading and writing. Light allowed until 9 o'clock at night, when the prisoners are locked into their cells. The grand jury, at every session of the court, inspect the prison. The judges seldom visit it, unless specially requested.

The sheriff, Reuben Nott, Esq., resides in the prison building, who, with his family, are evidently very attentive in their care and consideration of the unfortunate inmates under their charge. The prisoners expressed to your committee a proper appreciation of the attention and care they received.

—

CLINTON PRISON

The undersigned was unable to visit the prison of Clinton county before the 15th inst. It is in the village of Plattsburgh, an old building, totally inadequate for its purposes, and appears to have been constructed, so far as relates to the prisoners' apartments, solely with a view to cage them up securely in as close and gloomy a condition as might be practicable. It is, in dimensions, 32 ft. by 26 ft., and 2 stories high. The rear part of the first floor contains six cells 7 feet long by 4 feet wide, with ceiling but 7 feet 1 inch high. Three of these cells open into a narrow passage about 4½ feet wide, with two windows on one side, only 8 inch. in width, and heavily grated with iron, which is the only source for air or light. There is also in this part of the building a dark dungeon, designed for the punishment of refractory prisoners. One room in the second story, 15 feet square, is used for female prisoners, and made to accommodate whatever number may be in the prison.

It is truly surprising, in this enlightened and christian age, and in the midst of a community as intelligent and humane as that of Clinton county, that there should exist a public building so sadly inconsistent in character. Your committee, however, was gratified to find public attention was now directed to the matter. The board of supervisors were in session at the time of the visit of the committee, and he learned from them that the subject of an enlargement and alteration of the prison was then under consideration, and that an appropriation would be made for its improvement. Your committee did not hesitate to express the opinion that no alteration of the present building could render it such a prison as sound policy and common humanity demanded.

The strictures here made with reference to the condition of the building, are not applicable to the domestic affairs of the prison, which are under the charge of the under sheriff, Mr. R. M. Richardson, who appears to do all in his power, under the unfavorable circumstances mentioned, to render the prisoners comfortable, and to treat them according to the provisions of the statute. They said they had no complaint to make of their fare and provisions. The only apparent delinquency noticed by the committee was a neglect in the regular removal and cleansing of the night tubs ; a promise was made that this unhealthy and disgusting neglect should be remedied. There is no yard attached to the prison, a very serious defect in addition to all the other insufficient and improper building arrangements.

There were only four persons found in confinement at the time of the visit. One, a Canadian, of 19 years of age, confined for want of bail on a bastardy complaint. One Irishman, middle-aged, waiting trial under indictment for second offence of petty larceny. One American, 40 years old, committed for drunkenness and assault on his wife and family ; and another American, 21 years of age, waiting trial on charge of burglary.

In conclusion, your committee will state as the result of his late visits and inspections of prisons, that the keepers appear disposed to give that attention to the comfort of prisoners, and that regard to proper discipline, which is prescribed by the statute ;

still, with the best efforts on their part, the inadequate arrangements of most of the prison buildings will prevent that discipline and welfare of prisoners which is contemplated in the statute. And furthermore, the undersigned regrets to state, that in the country, as is the case in our city, there appear to be on the part of the community an entire indifference and ignorance, not only of the condition of prisoners, but also of the moral responsibility which rests on every good citizen in connection with the matter. The prevailing opinion in the community as to the duty of society in prison matters seems to be, that offenders against the laws of the land should be speedily caught, promptly condemned, closely imprisoned and efficiently punished, at the smallest possible expense.

The matter of reformation in connection with prison discipline, (to say nothing of the considerations of civil policy and of common humanity,) does not appear to enter into the thoughts of most of our citizens. This is indeed a pernicious and lamentable state of affairs for an enlightened and christian community.

All which is respectfully submitted by your committee.

JAMES H. TITUS.

*New-York, December 23d, 1853.*

The undersigned, appointed by the executive committee of the New-York Prison Association, to visit the prisons of the counties of Columbia and Dutchess, and examine into their state and condition,

*Respectfully reports:*

That in the early part of November he visited the county jail of Columbia county. It is located in the city of Hudson, and forms the east wing of the court house. The number of prisoners at the time of the visit of your committee was small, and those, for the most part, charged with or convicted of petty offences. The health of the prison was good, and due attention appeared to be paid to its cleanliness, warmth and ventilation, and to the supply of a sufficient quantity of plain food to the inmates. The

building, your committee was informed, was so insecurely constructed, that the board of supervisors, then in session, were agitating the question of its appropriation to other uses, and the erection of one in the rear of the court house more adequate in extent, arrangement and security.

In the latter part of November, your committee visited the jail of the county of Dutchess, in the village of Po'keepsie. Like that of most of the county prisons of the State, it is immediately connected with the court house, and as a place of detention, appears sufficiently adapted to the purpose. The sheriff afforded every facility for its inspection, and your committee was gratified in finding a due regard paid to the cleanliness of the building and the physical comforts of the prisoners.

Your committee regretted to find that in neither of the prisons visited, were religious services of any description ever performed, nor any efforts made, having in view the moral improvement of the prisoners, either in the way of Sunday school teaching, exhortations, the supply of books, or any of the various means that might be made use of to render beneficial to the prisoners the term of their confinement, which is almost invariably spent in a wearisome monotony of unbroken and contaminating idleness.

Your committee, in view of this state of things, which is believed to exist in almost every county prison house in the State, respectfully submits, whether it would not be advisable on the part of this association, operating through philanthropic individuals residing in places where there are county jails, to endeavor to enlist the sympathies of the benevolent among their fellow citizens in those localities, in an effort to carry out some well-matured plan for the moral improvement and mental occupation of such of the prisoners as could be prevailed upon to avail themselves of the advantages offered them.

P. S. VAN RENNELAER.

*New-York, Dec. 23d, 1853.*

*To the chairman Ex. Com. N. Y. Prison Association.*

The undersigned, by an order from Hon. J. W. Edmonds, Justice of Supreme Court, and in compliance with the following resolution, adopted by the executive committee of the Prison Association of New-York, Sept. 26th, 1853, to wit:

Resolved, That J. H. Titus, P. S. Van Rensselaer and J. S. Gould, be a committee to examine and inspect the Clinton State prison, such inspection to be completed on or before December 1st, 1853,

Report that they have performed the duty assigned them as far as they were able, and obtained the information contained in the following statement. This statement refers exclusively to prisoners committed to this prison within the year ending October 31st, 1853. It will be observed that the date of conviction in some cases appears to be anterior to this period; these were all prisoners who were transferred to this from Auburn prison. All but the last were received *here* within the year.

## STATEMENT.

## (a.) Number of convictions from each county.

|                        |   |
|------------------------|---|
| From Schenectady ..... | 6 |
| Tompkins .....         | 1 |
| Albany .....           | 4 |
| Erie .....             | 7 |
| Monroe .....           | 5 |
| Allegany .....         | 2 |
| Oswego .....           | 1 |
| Madison .....          | 3 |
| Montgomery .....       | 8 |
| St. Lawrence .....     | 9 |
| Washington .....       | 4 |
| Clinton .....          | 4 |
| Rensselaer .....       | 2 |
| Warren .....           | 1 |
| Schoharie .....        | 2 |
| Franklin .....         | 3 |
| Saratoga .....         | 4 |

|                     |   |
|---------------------|---|
| From Columbia ..... | 1 |
| Tioga .....         | 1 |
| Wayne .....         | 1 |
| Lewis .....         | 3 |
| Ontario .....       | 2 |
| Wyoming .....       | 1 |
| Niagara .....       | 1 |
| Oneida .....        | 1 |
| Steuben .....       | 1 |

## (b.) Industrial pursuits of prisoners.

|                     |    |
|---------------------|----|
| Had no trade .....  | 52 |
| Cabinet maker ..... | 1  |
| Tailors .....       | 3  |
| Sailors .....       | 3  |
| Shoemakers .....    | 3  |
| Cooper .....        | 1  |
| Baker .....         | 1  |
| Moulder .....       | 1  |
| Painters .....      | 2  |
| Confectioner .....  | 1  |
| Weaver .....        | 1  |
| Wheelwrights .....  | 2  |
| Sawyer .....        | 1  |
| Blacksmiths .....   | 2  |
| Gardener .....      | 1  |
| Carpenters .....    | 3  |
| Total .....         | 78 |

## (c.) Occupation of prisoners at the time of committing the offence.

|                  |    |
|------------------|----|
| Unemployed ..... | 46 |
| Employed .....   | 32 |
| Total .....      | 78 |

## (d.) Color of prisoners.

|             |    |
|-------------|----|
| White ..... | 69 |
| Black ..... | 9  |
| Total ..... | 78 |

*(e.) Nativity of prisoners.*

|                                             |    |
|---------------------------------------------|----|
| Born in the State of New-York .....         | 36 |
| Born in the U. S., but not in New-York..... | 16 |
| Born in foreign countries .....             | 26 |
| Total .....                                 | 78 |
|                                             | == |

*(f.) Education of Prisoners.*

|                                |    |
|--------------------------------|----|
| Could read .....               | 21 |
| Could read and write .....     | 33 |
| Had no education.....          | 23 |
| Had a classical education..... | 1  |
| Total .....                    | 78 |
|                                | == |

*(g.) Habits of temperance or intemperance.*

|                        |    |
|------------------------|----|
| Were temperate .....   | 44 |
| Were intemperate ..... | 34 |
| Total ....             | 78 |
|                        | == |

















TABLE B--(CONTINUED.)

| No. OF CELL. | Luthernan. | Had no trade. | Shoemaker. | Shoemaker. | Blacksmith. | Barber. | Maron. | Carpenter. | Whewright or Millwright. | Sailor. | Soldier. | Tiaman. | Tanner. | Butcher. | Knoider. | Admits his guilt. | Does not admit his guilt. | Paletor. |  |
|--------------|------------|---------------|------------|------------|-------------|---------|--------|------------|--------------------------|---------|----------|---------|---------|----------|----------|-------------------|---------------------------|----------|--|
| 70           |            |               |            |            |             |         |        |            |                          |         |          |         |         |          |          |                   |                           |          |  |
| 73           |            |               |            |            |             |         |        |            |                          |         |          |         |         |          |          |                   |                           |          |  |
| 76           |            |               |            |            |             |         |        |            |                          |         |          |         |         |          |          |                   |                           |          |  |
| 211          |            |               |            |            |             |         |        |            |                          |         |          |         |         |          |          |                   |                           |          |  |
| 213          |            |               |            |            |             |         |        |            |                          |         |          |         |         |          |          |                   |                           |          |  |
| 214          |            |               |            |            |             |         |        |            |                          |         |          |         |         |          |          |                   |                           |          |  |
| 215          |            |               |            |            |             |         |        |            |                          |         |          |         |         |          |          |                   |                           |          |  |
| 218          |            |               |            |            |             |         |        |            |                          |         |          |         |         |          |          |                   |                           |          |  |
| 221          |            |               |            |            |             |         |        |            |                          |         |          |         |         |          |          |                   |                           |          |  |
| 222          |            |               |            |            |             |         |        |            |                          |         |          |         |         |          |          |                   |                           |          |  |
| 223          |            |               |            |            |             |         |        |            |                          |         |          |         |         |          |          |                   |                           |          |  |
| 225          |            |               |            |            |             |         |        |            |                          |         |          |         |         |          |          |                   |                           |          |  |
| 226          |            |               |            |            |             |         |        |            |                          |         |          |         |         |          |          |                   |                           |          |  |
| 227          |            |               |            |            |             |         |        |            |                          |         |          |         |         |          |          |                   |                           |          |  |
| 228          |            |               |            |            |             |         |        |            |                          |         |          |         |         |          |          |                   |                           |          |  |
| 102          |            |               |            |            |             |         |        |            |                          |         |          |         |         |          |          |                   |                           |          |  |
| 101          |            |               |            |            |             |         |        |            |                          |         |          |         |         |          |          |                   |                           |          |  |

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[ASSEMBLY

No. 143.]

|      |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|------|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|
| 89   |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| 98   |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| 97   |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| 96   |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| 95   |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| 93   |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| 92   |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Hal, |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| do   |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |

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## RECAPITULATION.

|                                           |       |
|-------------------------------------------|-------|
| Whole number in prison,.....              | 184   |
| Whole number examined,.....               | 162   |
| do not examined,.....                     | 22    |
|                                           | — 184 |
| Lost both parents,.....                   | 89    |
| Both parents living,.....                 | 32    |
| Father living,.....                       | 16    |
| Mother living,.....                       | 23    |
| Questions not answered,.....              | 2     |
|                                           | — 162 |
| Temperate,.....                           | 37    |
| Intemperate,.....                         | 123   |
| Not answered,.....                        | 2     |
|                                           | — 162 |
| Had early religious instruction,.....     | 86    |
| Had not early religious instruction,..... | 73    |
| Not answered,.....                        | 3     |
|                                           | — 162 |
| Catholics,.....                           | 51    |
| Protestants,.....                         | 90    |
| Methodists,.....                          | 41    |
| Baptists,.....                            | 13    |
| Episcopal,.....                           | 20    |
| Presbyterian,.....                        | 12    |
| Universalists,.....                       | 2     |
| Quaker,.....                              | 1     |
| Universalists,.....                       | 1     |
| Infidels,.....                            | 14    |
| Not answered,.....                        | 7     |
|                                           | — 162 |
| Had no trade,.....                        | 106   |
| Had trades,.....                          | 49    |
| Not answered,.....                        | 7     |
|                                           | — 162 |
| Shoemakers,.....                          | 9     |
| Blacksmiths,.....                         | 5     |
| Barbers,.....                             | 5     |
| Masons,.....                              | 4     |

|                                |     |
|--------------------------------|-----|
| Carpenters,.....               | 8   |
| Wheelwrights,.....             | 7   |
| Sailor,.....                   | 2   |
| Soldier,.....                  | 1   |
| Tinmen,.....                   | 3   |
| Tanner,.....                   | 1   |
| Butcher,.....                  | 1   |
| Painter,.....                  | 1   |
| Moulders,.....                 | 2   |
| Admit their guilt,.....        | 104 |
| Do not admit their guilt,..... | 58  |

It will be observed that this table, unlike table A, refers to the whole number now in prison, and embodies the result of our own personal inquiries.

*Results disclosed by the investigation.*

1st. Cause of crime.—Intemperance stands out in bold relief, as one of the efficient procuring causes of crime. Thus, of the 78 prisoners admitted during the past year, as appears from table A, 34 were intemperate on their own admission. Of the 162 whose examinations are contained in table B, 123 were intemperate. The proportion of intemperate persons is much greater in the latter table than in the former; this discrepancy does not indicate that the prisoners received this year were more temperate than the great body of the prisoners. It arises rather from the manner of compiling the statistics. In table A, the men were merely asked if their habits had been temperate or intemperate, and their answer, whatever it was, was worded just as they gave it. We went farther, knowing the different interpretations which prisoners are wont to place on the words temperance and intemperance. We enquired whether they had ever been intoxicated, and when we found from their answers that they habitually frequented grog shops and were occasionally drunk, we did not hesitate to class them among the intemperate. Many of the men considered themselves as quite temperate who freely admitted that they drank every day, and were intoxicated as often as once a week. We are particular to mention this, as from the want of such precau-

tion very erroneous notions may be derived from some of the statistical tables.

Ignorance seems to be one of the causes of crime. We know that this is abundantly demonstrated by existing criminal statistics, but we deemed it our duty to ascertain as far as we could, how far the experience of Clinton prison confirmed or denied the conclusions which have been drawn from the facts disclosed at other prisons. By a reference to table A, it will be seen that 21 could read, 33 could read and write, and 23 had no education whatever. It is not supposed that the mere power to read and write possesses any magical power to restrain men from the commission of crime. All that is expected from these faculties is, 1st, that they will prove a pleasant and agreeable mode of occupying the leisure without resorting to the excitement of the tavern, the gaming table, or vicious company; and, 2d, that the precepts learned and the information acquired through their assistance will enlighten the moral faculties and assist them to avoid temptation. Neither of these ends will be answered unless the parties can read *fluently* and easily; he who must spell every word, will usually find the amusement of reading but a poor substitute for the revels of the tavern, nor will any such slow and laborious modes of acquiring knowledge operate to make men wiser or better members of the community.

We offer these remarks because there might be a danger that the above statistics might prove deceptive without them, by leading careless observers to underrate the value of education as a means of deterring men from the commission of crime. We think we may safely say, that of the 21 who appear from the official register to be able to read, less than one-fourth can read so well as to derive any great pleasure or benefit from their reading; and of the 33 who are said to be able to read and write, not more than one-half possess any thing like expertness in those branches of knowledge.

*A Crime Cause*

Want of a trade or occupation.—Both the tables concur in directing our attention to this as a very fertile cause of crime. Of those included in table A, 52 had no trades, while 23 only had trades. On enquiring of those who are registered as having

trades, we learned from their own confessions that many of them had eloped from their masters before completing their apprenticeships, and the others, from various causes, had not acquired that expertness in their trades which was necessary to make them profitable in competition with others.

While so much anxiety is manifested to trace out the several causes of crime, and to ascertain the exact ratio that each separate cause bears to the total amount of crime, we are anxious that these explanations should be taken in connection with the facts indicated by the tables. At the time of committing the offence for which they were committed, 46 were idle and 32 employed. It is interesting to notice, that of these only 5 were employed at trades which they had learned. This fact confirms the statement above made, that their business had been so imperfectly learned as to be almost useless to them as a means of subsistence. From table B we learn that 106 had no trades, and 49 had trades. These facts taken together, shew that a good trade is a great preventive of crime, as the converse is one of its most efficient causes.

Religious Instruction—51 of the prisoners professed to be catholics, 90 protestants, and 14 infidels; 86 professed to have received religious instruction in their youth; and 73 denied that they had any religious training whatever. Many professed to have received early religious instruction, but, on being questioned, they nearly all described their instruction to consist, in being taught by rote a few prayers, but they seemed to have no distinct ideas of the meaning of the petitions, or the nature and attributes of the being to whom they were addressed. Some described their instruction to consist of occasionally attending church, when they were young. Although we have thought it right to retain in the tables the description of the religious training which they themselves gave, yet we are fully convinced, from the answers received from them, that few, if any of these prisoners ever had the benefit of a faithful and intelligent religious education, in early life.

## FOOD AND DIET.

*Bill of Fare.*—Sunday, breakfast, cold meat, potatoes and bread; coffee, made of 3 quarts of roasted barley, sweetened with one gallon of molasses, to 180 men. Dinner, boiled pork and beans. Supper, bread and molasses.

Monday, breakfast, same as Sunday. Dinner, codfish and potatoes, with a gravy made from the skimmings of the pot in which pork and beef had been boiled, thickened with Indian meal. Supper, boiled rice and molasses.

Tuesday, breakfast, same as Sunday. Dinner, fresh beef stewed, the liquor, in which it is boiled, is thickened with flour. Supper, mush, or bread and molasses.

Wednesday, breakfast, dinner and supper, same as Sunday.

Thursday, breakfast and supper, same as Sunday. Dinner, soup and vegetables.

Friday, breakfast, dinner and supper, same as Monday.

Saturday, breakfast, dinner and supper, same as Thursday.

All the bread and other food, used by the prisoners during our visit, was of the best quality, and all of them expressed their satisfaction with it, except a few who had an antipathy to molasses with their bread, expressed a wish to have some relish in its place. It is well known that there are some men, who really cannot endure molasses, and it might perhaps be useful, if for such, a ration of smoked herring or other smoked fish, or raw codfish was substituted in its place. Breakfast and dinner are eaten in the dining room, on which a blessing is asked by the chaplain; supper is taken in the cells. There is no fixed ration given to the men. All are allowed to eat until they are satisfied, and the amount required for this purpose, far exceeds that consumed in any prison with which we are acquainted. The labor here being mostly carried on in the open air, and made heavier in its character than at any other prison, probably makes a greatly increased allowance, absolutely necessary. We would be far from recommending any diminution of the ration under the circumstances.

*Discipline.*

It is a matter of regret to us that prison discipline as a science is not more studied among prison officers in our State. It cannot be doubted that there are certain rules for the regulation of prisoners which produce good effects, and promote the ends which are aimed at in the penal legislation of the State. There are rules conceivable, which every one would pronounce injurious, and antagonistic to the design of the Legislature. But there are other rules, which in their operation might be very actively operative for good or evil, respecting which it would not be easy to decide in the absence of experience. It is, therefore, not sagacity, knowledge of human nature, or skill in business affairs alone which constitutes a good prison officer; but in addition to these, he should be familiar with the history of the experiments which have been made at different times and under different circumstances, to ascertain the best rules for the management of prisoners, so as to produce the greatest amount of reformation in themselves, and while securing this result, to deter others from the commission of crime. Those who have most thoroughly studied these experiments, and the rules resulting from them, have discerned certain principles which are common to and lie at the root of all of them, and thus have united scattered, isolated facts, in the connection of a clear and well compacted theory. A knowledge of these well ascertained facts, and of the theories deducible from them, constitutes the science of prison discipline. It is the misfortune of our State that its prison officers have not been well versed in this science. Some of them have been men of a very superior character, possessing every natural qualification for administering the affairs of the prison with advantage to the inmates and honor to themselves, who have yet failed to be useful for want of a knowledge of what has been accomplished by others. They have thus been plodding along in the study of elementary principles which had long ago been fully ascertained, when they should have been vigorously engaged in applying them for the welfare of the prisoners, and directing their experimental researches into regions which had never been explored. The principles of appointment to office which have obtained in this State are at the bottom of this evil; political efficiency being almost

solely recognised as a qualification for office, irrespective of personal fitness or moral character. While tenure of office depends upon the fluctuations of political parties, it is quite too much to expect of human nature that office holders will enter heart and soul into the duties required of them.

Especially is this thorough dedication of all the powers and energies of the heart and intellect necessary in the chief officer of a prison. He must make himself acquainted with the objects sought to be accomplished by imprisonment, and the best methods of accomplishing those objects. But this is not all: he must understand the character, the peculiar moral idiosyncrasy of each convict, before he can apply those principles with any hope of success. It must take a long time, and much painful and self-denying effort, before a prison officer can place himself in a position where he can use his power to the best effect; and even then, a much longer time must elapse before his efforts can manifest themselves in the improvement of the prisoners.

It is evident we cannot expect that men will indulge such self-denial unless they can have a reasonable expectation of partaking in its fruits. Could the assurance be given to the wardens of our State prisons that they should not be removed so long as they discharged their duties with intelligence, fidelity and zeal, we are confident an improvement in prison discipline would ensue which would cause the hearts of the friends of prison reform to rejoice.

The discipline of Clinton prison, though inferior to what it might and ought to be, compares very favorably with other similar institutions. There is one striking characteristic of it which well deserves the attention of the association; that is, there is less surveillance exercised over the men, more confidence is reposed in them by the officers of the prison, than in any institution that we have visited either in this State or elsewhere. Thus, some of the men are sent into the woods alone with teams; others are taken out into the open fields to work on the farm; detached parties work together in different parts of the yard, without the immediate oversight of the keeper. There are very slight obstacles to conversation between them; indeed it would be quite impossible to

enforce such a regulation without at least trebling the keepers; yet no advantage seems to be taken of this liberty. A very willing obedience is in general yielded to the officers, and escapes are fewer here than in most other prisons. The good effects of this liberal dealing seems to us very clearly apparent. In our private conversations with the men, we heard but one complaint of the officers throughout the whole prison; on the contrary every prisoner seemed to feel a warm and grateful attachment to the agent and chaplain. We are aware how easily casual visitors may be deceived in their impressions with regard to the general physiognomy of the men, and we would not lay claim to any great amount of reliance on our own judgment in this particular, nevertheless we deem it right to state that the countenances and manners of the men here, indicated more of honesty, openness and straightforwardness, and less of cunning, servility and dissimulation, than any set of prisoners we ever saw together.

If it can be found in practice that men can be treated with more confidence than has usually been placed in them, without injuring the proper and necessary discipline, much good would undoubtedly flow from it. Crime, theologically speaking, flows from the workings of a corrupt and fallen nature: it is a consequence of sin, philosophically speaking. Sin operates in producing crime by perverting the conscience and disordering the will; in consequence of such disorder, men become incapable of resisting those temptations which lead to the commission of crime. It is the proper function of the chaplain to give such instructions as shall tend to rectify the conscience, but it is the aim and object of prison discipline proper, to strengthen the powers of the will, and bring it into such healthy action as shall enable it to resist the seductions of temptation. It is obvious that in many prisons where the prisoners are constantly under the eye of the keeper, and where no act of volition contrary to the rules of the prison can be performed without incurring punishment, there is no room for the exercise of the will whatever; and where the will is wholly inactive, there can be no possible means for its culture or improvement.



Again, there is a universal tendency of the human mind, when surrounded by prohibitions, to do things not *malum in se*, but merely *malu prohibita*: to do things, not because they wish to do them, but simply to counteract the prohibition. There is much truth in the declaration of King Solomon, "Stolen waters are sweet, and bread eaten in secret places is pleasant." The whole history of our prisons show that most of the prisoners occupy their minds almost wholly with schemes to elude the vigilance of their keepers, so that they may perform some prohibited act without danger of detection, not with a view to pleasure in the act itself, or in its results, but solely for the pleasure of exercising an independent volition. Prisoners who have been long confined, acquire an almost miraculous expertness in deception, and when their sentences expire they return to the world with no additional power of resisting temptation, but an increased facility for deception and cunning, and a confirmed habit for violating the law.

In view of these facts it seems to us, that so far as the discipline at Clinton varies from that of other prisons, the variation is in the right direction, and that the progress of the experiment should be watched with solicitude and care by the friends of prison reform.

From conversation with the officers, it did not appear that the change alluded to grew out of any theoretical views of reform on their part; it had its origin in convenience and the peculiar circumstances of the prison. Situated in the wilderness, and remote from railroads and other public conveyances, it is more difficult here than elsewhere to escape even when outside the stockade, if they go into the forest they are probably lost, and after travelling for days are as likely to find themselves within a mile of the prison as any where else; hunters, charcoal burners, wood choppers and anglers are continually traversing the woods, and it is well known among them all that they will receive fifty dollars for the return of any escaped prisoner. Hence there is very great difficulty in escaping, and this fact should be kept in mind and well considered before the results in this prison are adopted as the rule for others.

We regret extremely that the provisions of the act of 1847 (chap. 460, § 44), have not been complied with by the Inspectors, as we are convinced that all the objects of prison discipline would be effectually promoted by having large cells adapted to the solitary confinement of a certain class of prisoners. There are some men who cannot be governed by the Auburn system of discipline, as all prison officers can testify; they keep the whole prison in a turmoil, not only committing offences themselves, but are the cause of offences in others. To meet the case of this class, the discipline of the whole prison is more severe and inflexible than it otherwise would be, the innocent are punished for the guilty. Separate this small class from the mass, shut them in solitary cells, and permit them to labor as a privilege rather than enforce it on them as a task, or compel them to pursue their labors in solitude, and their stubbornness is broken; after a few weeks experience, they will be as docile as can be desired. After such separation has been effected, it will be safe and practicable to relax the severity of discipline in a very great degree; the remaining men may be treated more gently, and much more progress may be made in their reformation. There is a convict now in this prison, whose history furnishes a good example of the above remarks. He boasts that he has never submitted, and that he never will submit to the authority of any keeper, and he does not. He declares that when he was in prison in Kingston, he killed his keeper. He is mistaken in this, as the keeper afterwards recovered; but it is true that he meant to kill him, and actually supposed that he was dead when he was taken off from him. He was afterwards sentenced to Auburn prison, but as nothing could be done with him there, he was then transferred to Clinton by order of the Inspectors. Soon after his arrival here, he assaulted his keeper and severely injured him; since then he has been kept locked in an ordinary cell, and is given up as incorrigible. We mentioned above that we heard only one complaint from the prisoners against the officers. In this case one of the prisoners complained that he had been beaten severely by his keeper, and that from one of these blows over the head he had received a permanent injury. On enquiring into the case, we found that he had raised his shovel against his keeper, who was attempting to enforce some order that

he had given, against compliance with which the prisoner had remonstrated. It was the very keeper who had been so severely assaulted as above related; he had just recovered from his wounds and was morbidly fearful of a second assault and injury. It is not probable from the previous and subsequent history of the prisoner, that he meant to injure the keeper, and had it not been for the nervous dread produced by the first assault, it is not probable he would have struck so severely and with so little caution. The agent concurred most fully with us in the opinion of the keeper's conduct, but as the man, during a long period of service in the prison, had proved himself a humane and judicious officer, and as he did not violate the letter of the law, he had not thought proper to remove him.

#### *Financial condition.*

As the financial condition will soon be laid before the public in the annual report of the Inspectors, we did not deem it necessary to go into a minute examination thereof. We, however, are encouraged to believe that henceforth this prison will not only prove self-supporting, but will produce a considerable surplus revenue. At the time of our visit, the agent made a contract with the Messrs. Kingsland, who are among the most wealthy and experienced iron-masters of the northern region, for one hundred and fifty men, at six shillings per day, while those employed in the saw mill earn a dollar a day. The Messrs. Kingsland, in addition to this, pay \$3,000 per annum as rent for the furnace and machine shop. At these prices the finances of the prison cannot fail to flourish.

#### *Condition of Buildings, &c.*

We do not here repeat the statements with regard to the number and size of rooms and other architectural arrangements in the prison, as former committees of the association have performed this duty, and these details are contained in former reports of the Association to the Legislature, and very slight changes have since occurred. We willingly bear our testimony to the unusual excellence of the workmanship in every part of the buildings, and to the convenience of the arrangements. Although the theory on which the ventilating apparatus is founded

does not accord with those which are taught by scientific men, it undoubtedly works well in practice. We visited the cells early in the morning and late at night, but we detected no more unpleasant odor than usually exists in the sleeping apartments of private dwellings. Certainly there is at all times a purer air in these than in the cells of any other prison that we have ever visited. It is possible that the elevated site of the prison may have something to do with this superiority, but after all, we cannot doubt that the main cause is the excellence of the apparatus. We believe that much of the odor discernable, was due to the beds, which are swung up to the wall during the day; this, together with the fact that many of the men sleep in their clothes, must create an effluvia, which, being constantly renewed, no ventilation can wholly remove. We think that it would be an improvement in the management of all our prisons were the men required to hang their bed clothes over the railing of the galleries to air, to undress every night, and to bathe at least once a fortnight.

#### *Moral and Literary Instruction.*

The chaplain of the prison, Rev. Mr. Bruce, who is also the teacher, is unwearied in his labors for the good of the convicts, there was a uniform testimony borne to the usefulness of his labors by both officers and men. We had no opportunity of listening to his pulpit services, but we were informed by the officers that they were admirably adapted for the audience, and from conversations with the men, we judged that they were acceptable and instructive to them. Such testimony is highly creditable to the chaplain, as it requires rare gifts to secure the respect and esteem of convicts. We have known many learned and estimable men who lacked this special gift, and who, in consequence, were the objects of ridicule rather than of respect from the convicts for whose welfare they labored. In view of his peculiar adaptation to the service, we hope no political changes will be permitted to deprive the prison of his services.

Mr. Bruce labors under great disadvantages in his capacity of teacher, from the fact that he is obliged to teach the men

separately in their cells. It is obvious if they were assembled in a class in the corridor during the evenings, more instruction could be communicated to them in one evening than could be given in a week, where, as at present, they can only be dealt with individually. If they were thus assembled, it would of course be necessary that more keepers and guards should be on duty; but a slightly increased remuneration would induce them cheerfully to perform the service, and it seems wrong to allow this slight increase of expense to baffle the benevolent intentions of the act of 1847.

#### *Hospital Department.*

The following diseases have been treated in the hospital during the year ending Dec. 1st, 1853:

|                              |   |                                 |   |
|------------------------------|---|---------------------------------|---|
| Bilious diarrhoea,.....      | 2 | Chronic ophthalmia,.....        | 2 |
| Secondary syphilis,.....     | 2 | Rheumatism,.....                | 3 |
| Bilious fever,.....          | 2 | Pneumonia typhoides,....        | 3 |
| Injury from blows,.....      | 1 | Hemorrhoids & fistula in ano, 1 |   |
| Abscess,.....                | 1 | Typhus fever,.....              | 4 |
| Incised wound,.....          | 2 | Contused wound,.....            | 1 |
| Neuralgia,.....              | 3 | Chronic hepatitis,.....         | 2 |
| Epilepsy,.....               | 1 | Fracture,.....                  | 1 |
| Tuberculization of brain,... | 1 |                                 |   |

Making thirty-two cases in all which have been treated during the year. Only one death has occurred, which was from typhus fever, on the 20th of November. The constitution of the patient had been broken, resulting from dissipation and previous disease.

Dr. Patterson was absent at the time of our visit, and we are therefore deprived of much interesting information which we might have obtained from a personal interview with him. Nevertheless, the statistics tell a tolerably intelligible story on their face. All who are acquainted with prison statistics must be struck with the healthy condition of the institution. The cases treated amount only to 17 per cent of the whole number of prisoners, and the deaths to a little over one-half of one per cent. In 1846, there were 84 cases treated in the hospital and 2 deaths,

out of 179 prisoners, being about 47 per cent of the whole number of prisoners under treatment, and a little over one per cent of deaths in the course of the year. At Auburn prison, during the same year, (1846,) 50 per cent of the prisoners were under hospital treatment, and 5 per cent died.

It is important to notice that of the above 32 cases of disease treated at Clinton prison there were only 3 of rheumatism and 3 of the respiratory organs, (pneumonia typhoides.) When it is known that these two classes of disease are so much more prevalent at other prisons than here, it certainly seems desirable, with reference to the health of the convicts, that a greater number should be sent here, so as to equalize the numbers with Sing Sing and Auburn, especially as it now seems reduced to a certainty that the men can be more profitably employed here than at the others.

We have only to add in this connection, that the room assigned to the hospital department is large, well ventilated and convenient. At the time of our visit it was neat and clean, and bore evident marks of careful and considerate superintendence.

#### *Punishments.*

The following table exhibits the number of punishments inflicted during the year:

|                            |     |
|----------------------------|-----|
| Shower bath,.....          | 81  |
| Bucked,.....               | 24  |
| Solitary confinement,..... | 17  |
| Total,.....                | 122 |

Bucking is used at this prison in place of the yoke as used at Sing Sing and Auburn. It is borrowed from the army, and, as we are informed, it consists in fastening the wrists together by a chain; into a ring in the chain an iron bar is inserted; the bar is passed between the legs, and the prisoner is then compelled to sit on it for half an hour to four hours or more. We did not see this punishment administered, but we should deem it a very severe one, and we cannot approve of it. We should much prefer

the solitary cell, or a deprivation of food or bedding, or some other privilege, according to the magnitude of the offence.

Solitary confinement we regard as a most valuable means of prison discipline, and we believe that a more extended use of it would be decidedly advantageous in the prison.

The whole subject of punishment is one of great interest, and requires the attention of the friends of prison reform as much or more than any other subject. The number of punishments ought to be increased so as to be adapted to every disposition and every class of physical temperament, and to every grade of offence. He who shall devise a scale of punishment thus adapted to every class of offences and of prisoners, will have conferred a great boon on the cause of prison reform.

In conclusion, your committee desire to express the very favorable estimation they formed of the character and services of the Warden of the prison, John L. Barnes, Esq. He appears to possess that respect from his officers, and to exercise that influence over the prisoners, which is so necessary for the proper discipline of the unfortunate community under his charge, and so requisite for the welfare of the important interests committed to his care. The undersigned desire also to acknowledge their obligation for the polite treatment and efficient aid received from the Warden and his officers, during their visit at the prison.

JOHN STANTON GOULD,

JAMES H. TITUS,

*Committee.*

*New-York, Dec. 23d, 1853.*

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TENTH REPORT

(for 1854)

OF THE

# PRISON ASSOCIATION

OF

NEW-YORK:

INCLUDING A LIST OF THE

OFFICERS AND MEMBERS.

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Made to the Legislature, March 28, 1855.

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